

Closed Caption Log, Council Meeting, 3/25/04

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WE ASK ROBIN WIEBER TO LEAD US IN OUR INVOCATION,
PASTOR OF WORSHIP MINISTRY, GRACE COVENANT
CHURCH.

LET'S TURN OUR EYES TO THE LORD THIS MORNING AND
GIVE THANKS TO HIM. HEAVENLY FATHER, WE THANK YOU
THIS MORNING FOR LIFE AND BREATH AS YOU HAVE GIVEN
US. WE THANK YOU FOR THE MANY BLESSINGS THAT YOU
HAVE BESTOWED UPON US AND WE ACKNOWLEDGE THAT
YOU ALONE ARE GOD, THERE IS NONE LIKE YOU. WE ARE
MINDFUL OF YOUR WORD IN SPALM 90 WHERE IT SAYS LORD
THOUSAND HAS BEEN OUR -- THOU HAS BEEN OUR
DWELLING PLACE IN OUR GENERATIONS. BEFORE
MOUNTAINS WERE BORN AND YOU GAVE BIRTH TO THE
WORLD EVER LASTING TO EVER LASTING, YOU ALONE ARE
GOD. FATHER, TODAY WE ASK A BLESSING UPON THE MEN
AND WOMEN IN THE MILITARY AS THEY ADVANCE FREEDOMS
CAUSE AROUND THE WORLD. GIVE THEM COURAGE AND
BOLDNESS, AS THEY FIGHT ON THE FRONT LINE AGAINST
TERRORISM. FATHER, WE ASK A BLESSING AGAINST -- WITH
THE INSTITUTIONS OF POWER AND INFLUENCE IN OUR
SOCIETY AND PRAY FOR OUR GOVERNMENT TODAY, FOR
OUR CHURCHES, FOR THE MEDIA, OUR SCHOOLS, AND OUR
FAMILIES. MAY EACH OF THESE BRING GLORY AND HONOR
TO YOUR NAME. FATHER, SPECIFICALLY, TODAY WE ASK
PRAYER, FOR OUR CITY COUNCIL, FOR OUR MAYOR, AND
THE MEN AND WOMEN WHO SERVE HIM FAITHFULLY. WE
PRAY THAT YOU WOULD GIVE THEM CLEAR DIRECTION AND
WISDOM IN MAKING DECISIONS THAT ARE BEFORE THEM.

HELP THEM TO LISTEN CLEARLY AND COMMUNICATE HONESTLY ISSUES THAT THEY NEED TO FACE. WE THANK YOU FOR THIS GREAT CITY AND MIGHTY BLESSINGS AND - - MIGHTY BLESSING AND THE HONOR TO LIVE HERE. FATHER, WE ASK THAT WE ALL MAY WORK TOGETHER TO MAKE AUSTIN A CITY THAT WOULD HONOR YOU AND BE INVITING TO THOSE THAT COME HERE. NOW, FATHER, WE THANK YOU FOR SATISFYING US IN THIS MORNING WITH YOUR LOVING KINDNESS. WE PRAY ALL THESE THINGS IN THE NAME OF JESUS CHRIST, AMEN.

Mayor Wynn: THANK YOU, PASTOR WIEBER.

Mayor Wynn: THERE BEING A QUORUM AT THIS TIME, I WILL CALL TO ORDER THIS MEETING OF THE AUSTIN CITY COUNCIL, IT IS THURSDAY, MARCH 25th, 2004. WE ARE IN THE BOARD ROOM OF THE LOWER COLORADO RIVER AUTHORITY, HANCOCK BUILDING, 3700 LAKE AUSTIN BOULEVARD IN AUSTIN. IT IS 10 MINUTES AFTER 10:00 IN THE MORNING. AT THIS TIME I WILL READ THE CHANGES AND CORRECTIONS TO THIS WEEK'S POSTED AGENDA. ITEM NO. 5, RELATED TO AN INTERLOCAL AGREEMENT BETWEEN TRAVIS COUNTY AND THE CITY OF AUSTIN REGARDING PHARMACY SERVICES, THAT ITEM HAS BEEN WITHDRAWN, IT WILL NOT BE ON THE AGENDA. ITEM NO. 15, WE SHOULD STRIKE THE PHRASE PARTICIPATION SUBGOALS STATED IN THE SOLICITATION FOR 22.96% M.B.E. AND 5.42 5.42% W.B.E. AND REPLACE THAT WITH 24.01% M.B.E. AND 5.45% W.B.E. SUBCONTRACTOR PARTICIPATION. ON ITEM NO. 33, WE SHOULD STRIKE THE CHAPTER REFERENCED 15-11 OR REPLACE IT WITH CHAPTER 14-8 TEMPORARY STREET CLOSURE FOR A STREET EVENT. THAT'S ITEM 33. AT ITEM 36, WE SHOULD STRIKE THE REFERENCE TO AN AUDIT 1 1 F.T.E., STRIKING THE DESIGNATION 1, SO IT WILL JUST READ AN F.T.E. AUDITOR AND ADD MYSELF, MAYOR WYNN, AS A CO-SPONSOR, ALONG WITH MAYOR PRO TEM GOODMAN AND COUNCILMEMBER MCCRACKEN. OUR TIME CERTAINS FOR TODAY'S AGENDA AT 12:00 NOON WE BREAK FOR GENERAL CITIZENS COMMUNICATION, AT 2:00 A BRIEFING ON ITEM NO. 47, WHICH IS RELATED TO THE HEALTH CARE FINANCING DISTRICT. THERE'S AN ACTION ITEM TO BE FOLLOWED AFTER THAT BRIEFING. AT 4:00 WE HAVE OUR ZONING HEARINGS AND APPROVAL OF ORDINANCES AND RESTRICTIVE

COVENANTS THAT SHOW UP ON TODAY'S AGENDA AS ITEMS 49 THROUGH 52. AND ITEMS Z-1 THROUGH Z-8. 5:30 WE BREAK FOR LIVE MUSIC AND PROCLAMATIONS. AT 6:00, WE WILL HAVE PUBLIC HEARINGS AND POSSIBLE ACTION THAT SHOW AS ITEMS 53, WHICH IS RELATED TO ANNEXATION ISSUE AND ITEM 54 RELATED TO SIGN REGULATIONS, ALSO AFTER 6:00 WE WILL TAKE UP ITEM NO. 48, WHICH IS OUR MEET AND CONFER CONTRACT WITH THE AUSTIN POLICE ASSOCIATION. AT THIS TIME, I WILL READ THE ITEMS THAT ARE PULLED OFF THE CONSENT AGENDA. ITEM NO. 2, I WILL TAKE OFF THE CONSENT AGENDA, COUNCIL, AS WE HAVE A NUMBER OF CITIZENS WHO HAVE SIGNED UP TO SPEAK ON THAT. THIS IS RELATED TO AUSTIN ENERGY. ITEM NO. 28 AND 29, THAT RELATE TO THE CLEAN AIR ACTION PLAN HAVE BEEN PULLED BY COUNCILMEMBER SLUSHER. ITEM NO. 31 WILL NOT BE TAKEN UP ON THE CONSENT AGENDA AS IT RELATES TO AN EXECUTIVE SESSION ITEM 44. SO 31 WILL NOT BE ON THE CONSENT AGENDA THIS MORNING. BUT LIKELY IT WILL BE TAKEN UP AFTER WE DISCUSS IT IN CLOSED SESSION. AND AS I MENTIONED EARLIER, ITEM NO. 32, WHICH IS A RESOLUTION RELATED TO THE TRAVIS COUNTY HOSPITAL DISTRICT, THAT ITEM WILL ALSO NOT BE ON THE CONSENT AGENDA THIS MORNING AS IT WILL BE TAKEN UP AFTER OUR 2:00 BRIEFING ON THE SAME ITEM THAT SHOWS UP AS ITEM 47. COUNCIL, ANY OTHER ITEMS THAT NEED TO BE PULLED OR ADDED BACK TO THE CONSENT AGENDA? THEN AT THIS TIME I WILL ALSO READ INTO THE RECORD ITEM NO. 30, OUR BOARD AND ECONOMICS APPOINTMENTS FOR MARCH 25th, 2004. THOSE ARE AUSTIN COMMUNITY EDUCATION CONSORTIUM, BRUCE BERRICK, TO THE BOND OVERSIGHT COMMITTEE CAROL MARTIN, A LIBRARY COMMISSION REPRESENTATIVE, A CONSENSUS APPOINTMENT. TO THE CHILD CARE COUNCIL, JOHN HOLDER, IS A CONSENSUS REAPPOINTMENT. TO OUR MUSIC COMMISSION, BRADLEY STEIN, COUNCILMEMBER DUNKERLY'S APPOINTMENT. TO THE PLANNING COMMISSION, JOHN MICHAEL CORTEZ, COUNCILMEMBER ALVAREZ'S APPOINTMENT. TO THE TELECOMMUNICATIONS COMMITTEE, CHIP ROSENTHAL IS A CONSENSUS REAPPOINTMENT. TO OUR URBAN FORESTRY BOARD, SHANNON EATON IS COUNCILMEMBER DUNKERLY'S APPOINTMENT. AND TO THE URBAN TRANSPORTATION COMMISSION, GREGORY SAFIRE

IS COUNCILMEMBER MCCRACKEN'S APPOINTMENT. THAT'S ITEM NO. 30, OUR BOARD AND ECONOMICS APPOINTMENTS.

MAYOR, MAY I REQUEST SOMETHING? ON ITEM NO. 12, STAFF WOULD LIKE TO POSTPONE THAT ITEM. THE RESIDENT HAS RAISED SOME QUESTIONS THAT WE WANT TO PROVIDE TIME TO GIVE HER A CHANCE TO -- TO HEAR THOSE ANSWERS AND UNDERSTAND WHAT SHE IS ASKING. SO IF -- IF IT'S OKAY WITH THE COUNCIL, WE WOULD LIKE TO POSTPONE THAT TO -- TO A FUTURE DATE.

SO, COUNCIL, WITHOUT OBJECTION, ITEM 12 WILL BE REMOVED FROM TODAY'S AGENDA. SO WITH THAT, COUNCIL, I WILL READ TODAY'S CONSENT AGENDA NUMERICALLY.

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: CAN YOU PULL 15 FOR ME?

Mayor Wynn: YES, WE CAN. ANY FURTHER ITEMS TO BE PULLED OR ADDED BACK TO THE CONSENT AGENDA? IF NOT, THEN I WILL READ IT NUMERICALLY. THE CONSENT AGENDA WILL BE, ITEM 1, 3, 4, 5 WITH DRAWN PER CHANGES AND CORRECTIONS, 6, 7,, 8, 9, 10, 11, 12 TO BE POSTPONED PER STAFF REQUEST, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 30, BOARD AND ECONOMICS APPOINTMENTS AS READ INTO THE RECORD, 33 PER CHANGES AND CORRECTION, 34, 35, 36, PER CHANGES AND CORRECTION, 37, AND 38. I'LL ENTERTAIN A MOTION ON THE CONSENT AGENDA.

SO MOVE.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER MCCRACKEN TO APPROVE THE CONSENT AGENDA AS READ. SECONDED BY COUNCILMEMBER ALVAREZ. FURTHER COMMENTS? COUNCILMEMBER MCCRACKEN?

McCracken: MAYOR, I WANTED TO SAY QUICKLY THAT WE ARE GOING TO BRING UP -- PUT ON CONSENT ITEM NO. 19 THIS IS GOING TO BE A PRETTY BIG DEAL FOR THE POSSIBILITY FOR WIND POWER. FOR THE FIRST TIME THIS WILL MAKE AN OPPORTUNITY FOR WIND POWER TO BECOME DISPATCHABLE WHICH HAS BEEN AN IMPEDIMENT TO ITS

RELIABILITY. I WANT TO CONGRATULATE AUSTIN ENERGY FOR BEING ONE OF THE MOST FORWARD THINKING PUBLIC UTILITIES IN THE NATION.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? I WOULD LIKE TO READ INTO THE RECORD, ALTHOUGH ITEM NO. 23 IS STAYING ON THE CONSENT AGENDA, MR. PAT JOHNSON SIGNED UP AGAINST THIS ITEM. FURTHER COMMENTS? ON THE CONSENT AGENDA? MOTION AND SECOND ON THE TABLE. ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSE, MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. BEFORE WE LOSE SOME OF THE AUDIENCE, I WOULD LIKE TO ASK COUNCIL IF THERE'S A -- FOR ANY FUTURE ITEMS FROM COUNCIL. I HAVEN'T BEEN DOING A GOOD JOB THE PAST FEW WEEKS OF ANNOUNCING THIS. WE TEND TO OFFER THE ABILITY FOR COUNCILMEMBERS TO ANNOUNCE IN ADVANCE AN ITEM THEY MIGHT BE BRINGING FORWARD OVER THE NEXT FEW WEEKS SO FOLKS HAVE A CHANCE TO BE AWARE OF IT. AT THIS TIME I WOULD LIKE TO RECOGNIZE COUNCILMEMBER DUNKERLY.

Dunkerley: OKAY. I WOULD -- I WILL BE SUPPORTING PROPOSED ORDINANCE AT THE NEXT COUNCIL MEETING RELATING TO MEET AND CONFER. I THINK AFTER OUR -- OUR ALMOST YEAR-LONG NEGOTIATING PROCESS WITH -- WITH PUBLIC SAFETY DEPARTMENT, THAT WE WOULD LIKE TO TAKE SOME OF THE LESSONS THAT WE HAVE LEARNED DURING THAT TIME AND ASK THE CITY MANAGER TO INCORPORATE THOSE INTO THE NEXT PROCESS. A COUPLE OF ITEMS THAT I WOULD LIKE TO MENTION IS THE CERTAINTY, THAT BRING BACK AN ORDINANCE THAT SAYS WE WILL ENTER INTO THE MEET AND CONFER NEGOTIATIONS AT A CERTAIN DATE AT A CERTAIN TIME SO THAT BOTH SIDES AND THE PUBLIC WILL KNOW WITH CERTAINTY WHEN THESE WILL BEGIN. THEN SECONDLY, I THINK THAT I WOULD -- I WANT TO PROPOSE THAT THESE NEGOTIATIONS BE PUBLIC NEGOTIATIONS. THAT FREQUENTLY WE NEGOTIATE WITH PRIVATE COMPANIES IN A CLOSED SESSION BECAUSE THEY HAVE TRADE SECRETS OR SOME KIND OF COMPETITIVE ADVANTAGE, THAT THEY REALLY DON'T WANT THE PUBLIC OR THEIR COMPETITORS TO KNOW. BUT IN THIS INSTANCE, WE ARE BOTH PUBLIC

ORGANIZATIONS. SO THIS WOULD GIVE THE PUBLIC ACCESS TO THE NEGOTIATING POINTS ON A -- A WEEKLY OR MONTHLY BASIS AND THEY WOULDN'T HAVE TO TRY TO ABSORB IT ALL AT ONE TIME WHEN THE PROCESS IS OVER. FORMALLY -- FORMERLY, WHEN I WAS IN BEAUMONT, WE HAD COLLECTIVE BARGAINING THERE AND THESE MEETINGS WERE OPEN. IS THERE ANY OTHER COMMENTS THAT OTHER COUNCILMEMBERS MIGHT WANT TO ADD? I THINK --

Mayor Wynn: I WILL RECOGNIZE COUNCILMEMBER SLUSHER.

Slusher: THANK YOU, MAYOR, THANK YOU COUNCILMEMBER DUNKERLY. I'M GOING TO BE CO-SPONSORING THIS WITH COUNCILMEMBER DUNKERLY. I THINK -- WELL, I WILL LET THE MAYOR SPEAK FOR HIMSELF. BUT ANOTHER POINT IMPORTANT POINT ABOUT WHAT WE ARE GOING TO BE BRINGING FORWARD IS THAT IT WILL HAVE FIXED TIME LINES ON THE MEET AND CONFER PROCESS. IF THERE'S ANY ONE THING THAT WE HAVE LEARNED IS HOW THESE NEGOTIATIONS CAN DRAG OUT SEEMINGLY, ENDLESSLY, THAT'S NOT REALLY GOOD FOR EVERYONE INVOLVED. IT'S HARD ON CITY STAFF. IT COSTS A LOT OF MONEY FOR THE CITY STAFF, NEGOTIATING TEAM, SOME OUTSIDE THE CITY STAFF. I DON'T THINK THAT IT'S EASY ON THE BARGAINING UNIT FOR THE -- FOR THE PUBLIC SAFETY AGENCIES. EITHER. SO WE'LL HAVE FIXED TIME LINES TO -- TO -- FOR PEOPLE TO KNOW WHEN THEY ARE GOING TO END, HOW LONG IT'S GOING TO TAKE AND AS COUNCILMEMBER DUNKERLY SAID THEY ARE GOING TO BE OPEN TO THE PUBLIC SO WE WILL GET SOME TRANSPARENCY TO THIS. SO I THINK THIS IS GOING TO BE A BIG IMPROVEMENT BUILDING ON WHAT WE HAVE LEARNED THROUGH THESE VERY TOUGH PROCESSES.

Mayor Wynn: THANK YOU, COUNCILMEMBER SLUSHER. YES, I APPRECIATE THE ABILITY TO JOIN COUNCILMEMBER SLUSHER AND DUNKERLY IN CO-SPONSORING THIS ITEM AT THE NEXT MEETING. I WILL SAY LIKELY MUCH OF WHAT WE WILL BE TALKING ABOUT IN THAT ITEM FROM COUNCIL WILL BE DISCUSS -- WE'LL BE DISCUSSING TONIGHT AT WE HAVE OUR 6:00 PUBLIC HEARING RELATED TO THE MEET AND CONFER WITH THE APA. SO I THINK ASIDE FROM COUNCIL IT WILL BE NOT ONLY TIMELY, WE ARE GOING TO HAVE A LOT

OF FRESH MATERIAL FROM OUR DISCUSSION, PUBLIC DISCUSSION THIS EVENING ABOUT THE PROCESS AND HOW WE IMPROVE EVERYTHING FROM THE TRANSPARENCY TO THE EFFECTIVENESS OF WHAT CAN BE A -- A CONTENTIOUS ISSUE OF LABOR NEGOTIATIONS.

Dunkerley: ANOTHER ITEM THAT I WILL BE BRINGING FORWARD FOR COUNCIL CONSIDERATION IS TO DIRECT THE CITY MANAGER TO GET AN R.F.P., REQUEST FOR PROPOSAL OUT ON SEAHOLM. AT THE TIME WE HAVE A PROPOSAL OUT ON BLOCK 21. THERE ARE A LOT OF DIFFERENT ENTITIES LOOKING FOR PLACES TO MOVE, SOME OF THEM INVOLVE LOT 21, POTENTIALLY INVOLVE SEAHOLM. I THINK BY HAVING THESE TWO PROPOSALS OUT AT THE SAME TIME IT WILL GIVE ALL OF THE FOLKS THAT ARE INTERESTED IN THIS AN OPPORTUNITY TO -- TO GIVE US THE BEST OVERALL PROPOSALS TO CHOOSE FROM. I DO THINK IN THAT PARTICULAR PROPOSAL, WE WOULD NEED TO MAKE SURE THAT INCLUDED IN THERE IS THE ISSUE ABOUT THE POTENTIAL RAIL STATION AND MAYBE COUNCILMEMBER SLUSHER OR THOMAS, IF THEY ARE ON CAPITAL METRO, COULD ELABORATE ON THAT. BUT I THINK THAT'S ALWAYS BEEN A PLAN TO HAVE SOMETHING THERE. SO YOU ALL WANT TO MAKE A COMMENT, I APPRECIATE IT, BECAUSE I AM FLOUNDERING DOWN HERE [LAUGHTER]

Slusher: WOW, I WOULD HAVE NEVER THOUGHT THAT. WELL, YES, COUNCILMEMBER DUNKERLY. I THINK -- I WOULD BE IN FAVOR OF GOING FORWARD ON THIS BECAUSE I THINK IT DOES RELATE TO THE -- WHAT'S GOING TO HAPPEN AT LOT 21 AND HOW THE FUTURE OF DOWNTOWN AND WHERE CERTAIN FACILITIES ARE GOING TO END UP BEING. BUT I FEEL VERY STRONGLY THAT WE NEED TO HAVE A RAIL STATION OR RAIL ELEMENT AT SEAHOLM AND -- SEAHOLM AREA IN GENERAL THAT IT'S WHERE THE UNION PACIFIC TRACK AND THE TRACK THAT'S OWNED BY CAPITAL METRO, WHERE THEY INTERSECT. IT'S THE JUNCTURE OF THOSE TWO TRACKS, SO IT WOULD BE PRUDENT TO SET ASIDE PART OF THIS FOR A STATION. I THINK UNWISE TO NOT DO SO. CAPITAL METRO IS LIKELY GOING TO HAVE AN ELECTION THIS NOVEMBER ON THE COMMUTER RAIL TRACK, OF WHICH RIGHT NOW IS JUST SLATED TO COME TO -- TO JUST BARELY EAST OF THE FREEWAY, BUT COULD -- BUT COULD,

DEPENDING ON HOW COMMUNITY DISCUSSION GOES, IT COULD END UP OVER THERE AND I THINK IT WILL AT SOME POINT AND WE ARE ENGAGED NOW, ALSO THE AUSTIN SAN ANTONIO COMMUTER RAIL BOARD REPRESENTATIVE WITH THE CITY ON THERE, THAT GROUP IS CURRENTLY IN NEGOTIATIONS AND DISCUSSIONS WITH UNION PACIFIC ABOUT BUILDING A TRACK ABOUT 30 MILES EAST OF AUSTIN, TO REPLACE THE ONE THAT COMES THROUGH THE HEART OF AUSTIN RIGHT NOW. THEN THAT TRACK WOULD GO TO THE PUBLIC FOR COMMUTER RAIL BETWEEN ROUND ROCK OR GEORGETOWN AND SAN ANTONIO AND SEAHOLM WOULD BE A HUGE PART OF THAT. ALSO NEAR THE AMTRAK STATION AS WELL. SO I THINK WE DEFINITELY NEED TO HAVE A MAN FOR A RAIL -- A PLAN FOR A RAIL ELEMENT AT SEAHOLM.

Dunkerley: MAYBE WE COULD INCLUDE IN THAT RESOLUTION THE IDEA THAT THE STAFF WOULD BRING BACK TO US TO THE -- THAT PORTION OF THE R.F.P. THAT DEALS WITH RAIL SO THAT OUR CAPITAL METRO MEMBERS CAN TAKE A LOOK AT IT.

THEY WOULD PROBABLY DO THAT BEFORE NEXT WEEK.

SURE.

Mayor Wynn: THANK YOU, COUNCILMEMBERS. ANY FURTHER LIKELY ITEMS FROM COUNCIL?

Slusher: JUST, MAYOR, IF I COULD JUST --

Mayor Wynn: YES.

Slusher: COUNCILMEMBER DUNKERLY SAID CAPITAL METRO WOULD LOOK AT IT, ALSO PEOPLE FROM THE AUSTIN SAN ANTONIO RAIL DISTRICT AS WELL.

Mayor Wynn: OKAY, COUNCIL, AT THIS TIME WE WILL GO TO OUR DISCUSSION ITEMS, WE HAVE A HANDFUL OF CITIZENS SIGNED UP WISHING TO SPEAK ON ITEM NO. 2, WHICH I TOOK OFF THE CONSENT AGENDA RELATED TO AUSTIN ENERGY, SEVERAL OF THEIR PROPONENT PLANS. WITHOUT OBJECTION LET'S TAKE UP ITEM NO. 2. PERHAPS JUST A

BRIEF INTRODUCTION FROM AUSTIN ENERGY, THEN WE WILL GO TO THE CITIZEN CARDS. WELCOME.

THANK YOU, MAYOR AND COUNCIL. I'M NOT GOING TO GO INTO ALL OF THE TECHNICALITIES OF THE BUDGET TRANSFERS. THERE ARE THREE MAIN ITEMS THAT ARE BEING FUNDED WITH THIS BUDGET AMENDMENT. FIRST, ARE MOVEMENT OF MONEYS INTO THE ENERGY CONSERVATION PROGRAMS. WE HAVE AN OBLIGATION TO FUND THESE MONEYS FULLY, WE HAVE A MOVEMENT INTO SEVERAL CONSERVATION PROGRAMS TO FINISH OUT THIS FISCAL YEAR AND SEE THAT ALL OF THE DEMAND IS MET FOR OUR ENERGY CONSERVATION EFFORTS. SECONDLY, WE ARE KICKING OFF THE SOLAR REBATE PROGRAM AND THERE IS MONEY IN THIS BUDGET AMENDMENT TO -- TO FUND THE SOLAR REBATES. \$923,000 IN REBATES. ALSO ONE NEW STAFF EMPLOYEE, A SOLAR FIELD INSPECTOR. AND THERE'S \$41,000 FOR MARKETING OUTREACH AND WEB DESIGN. THIS IS OUR INITIAL ESTIMATE ON -- OF WHAT WE EXPECT THE DEMAND TO BE FOR THE REMAINING OF THIS FISCAL YEAR, THERE WILL BE NEW MONEYS FOR THIS PROGRAM IN THE OCTOBER BUDGET COMING FORWARD TO YOU. AND THEN FINALLY, THERE IS A -- THERE IS MONEY IN THIS BUDGET AMENDMENT MOVING UP FUNDS INTO THE CURRENT FISCAL YEAR FOR THE DECOMMISSIONING OF HOLLY. AS YOU RECALL, WE ARE GOING TO -- WE ARE GOING TO SHUT DOWN THE FIRST TWO UNITS OF HOLLY AT THE END OF THIS YEAR, WE ARE MOVING MONEY UP NOW IN ACCORDANCE WITH THE CITY'S FINANCIAL POLICIES, SO THAT WE ARE FULLY FUNDED AND READY TO START THE DECOMMISSIONING OF THAT PLANT AND -- AS WE START TO SHUT IT DOWN. THANK YOU, FURTHER QUESTIONS OF STAFF, COUNCIL?

Alvarez: IF I COULD JUST HAVE MR. DUNCAN ELABORATE A LITTLE MORE ABOUT THE HOLLY DECOMMISSIONING BECAUSE I KNOW BECAUSE WE MOVED THE DATE UP TO 2007 WE HAD TO MOVE THE -- THIS ACTION WOULD ALLOCATE HOW MUCH FOR THOSE DECOMMISSIONING ACTIVITIES?

I MAY ASK ELAINE HEART HERE FROM OUR STAFF TO GO

INTO THAT DETAIL.

COUNCILMEMBER I WILL BE GLAD TO ANSWER THAT. THE BUDGET AMENDMENT FOR THE DECOMMISSIONING WAS ACTUALLY RELATED TO TIMING. AS YOU KNOW THE COUNCIL ADOPTED OUR BUDGET IN SEPTEMBER. AND FOLLOWING THAT IN LATE -- IN LATE OCTOBER MADE THE DECISION TO MOVE UP THE CLOSURE OF HOLLY. WE'VE HAD DISCUSSIONS WITH THE EXTERNAL AUDITOR OVER A NUMBER OF YEARS AND THEY HAVE RECOMMENDED THAT WE ESTABLISH A FINANCIAL POLICY FOR NON-NUCLEAR DECOMMISSIONING, WHICH THAT POLICY WAS ADOPTED WITH THE CURRENT YEAR BUDGET. AND THAT POLICY WAS TO SET ASIDE FUNDING OVER FOUR YEARS PRIOR TO THE DECOMMISSIONING OR CLOSURE, PLANT CLOSURE DATE. SO ONCE COUNCIL MADE THE DECISION TO MOVE THE HOLLY CLOSURE UP INTO -- IN OCTOBER AND MOVE THE CLOSURE DATE TO 2007, THE AUDITOR'S ASKED US TO GO AHEAD AND MAKE AN ADJUSTMENT TO OUR '03 YEAR END BOOKS TO ACCRUE 1/4th OF THE DECOMMISSIONING. WE ALSO THEN HAD TO FACE THE FACT THAT WE DID NOT HAVE A QUARTER OF THE DECOMMISSIONING IN THE '04 BUDGET. SO WE ARE ASKING FOR TWO FULL YEARS OF FUNDING TO BE SET ASIDE IN IN A SEPARATE ACCOUNT, THE TOTAL AMOUNT IS 7 -- \$7,650,000. WE WILL THEN BUDGET IN OUR NORMAL PROCESSING AND OPERATING FUNDS FOR THE REMAINING TWO YEARS IN THE FY '05 AND '06 BUDGETS. DID THAT RESPOND TO YOUR QUESTION?

Alvarez: YES, MA'AM. SO WE ARE BASICALLY EVERY YEAR FROM HERE UNTIL THE ULTIMATE CLOSURE OF THE PLANT WE WILL BE SETTING ASIDE THE FUNDS WE NEED SO THAT WE CAN MOVE FORWARD WITH THE FULL DECOMMISSIONING?

THAT'S TRUE.

Alvarez: WE WILL HAVE THE MONEY IN HAND TO DO THAT?

YES, SIR. WE WILL HAVE TWO MORE BUDGETS THAT WILL INCLUDE IT. WE WILL WRAP THAT INTO OUR NORMAL PROCESSING AND NOT HAVE TO DO A BUDGET AMENDMENT.

Alvarez: GREAT. ONE OF THE -- ONE OF THE TOOLS THAT WE CREATED I THINK WAS TWO BUDGET YEARS AGO, MAYBE THREE, WAS THE REPAIR AND REPLACEMENT FUNDS SO THAT AS WE WENT FORWARD TO -- TO -- INTO THE FUTURE TO TRY TO -- TO TRY TO HAVE -- MAKE SURE THAT WE HAD SOME FUNDS ALLOCATED FOR REPAIR AND REPLACEMENT OF OUR GENERATION IN OUR FACILITIES THAT WE HAVE, SO THAT'S ACTUALLY WHAT THE SOURCE OF THIS -- OF THE FUNDS FOR THIS ACTION ARE.

THAT'S CORRECT. WE SET ASIDE 10 MILLION IN EACH OF THE LAST TWO YEARS AT COUNCIL DIRECTION AND INTO THAT FUND.

Alvarez: WELL, THANK YOU FOR BRINGING THAT FORWARD. I THINK THAT'S JUST ANOTHER STRONG INDICATION FROM THE UTILITY ABOUT -- ABOUT THE -- ABOUT JUST MOVING FORWARD WITH THE CLOSURE OF THE HOLLY STREET POWER PLANT AND BECAUSE -- BECAUSE AT THE END OF THIS YEAR, AS YOU ALL KNOW, WITH -- WITH TWO OF THE UNITS ARE SET TO GO OFFLINE. AT THE END OF 07 THE REMAINING UNITS WOULD GO OFF LINE AND SO WHAT WE ARE DOING HERE IS ACTUALLY SETTING ASIDE FUNDS SO THAT ONCE THAT HAPPENS WE CAN ACTUALLY MOVE FORWARD WITH THE DECOMMISSIONING OF THOSE UNITS. SO I WANT TO THANK YOU AND WANTED TO MAKE SURE THAT FOLKS OUT THERE UNDERSTAND HOW THIS FITS INTO THE OVERALL CLOSURE PLAN FOR THE HOLLY POWER PLANT. THANK YOU.

THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER, FURTHER QUESTIONS OF STAFF OR COMMENTS? IF NOT, WE WILL GO TO OUR CITIZEN SPEAKERS. FIRST SPEAKER IS ANDREW DONOHOE? WELCOME, YOU WILL HAVE THREE MINUTES. YOU WILL BE FOLLOWED BY JAMES KOKEL.

HELL LOCKS I'M ANDREW DONOHOE, YOUR NEWEST RMC COMMISSIONER, THANK YOU COUNCILMEMBER THOMAS FOR APPOINTING ME. IN MY DAY JOB I'M A DOLLAR AND CENTS STRATEGIST FOR I.B.M. I WOULD LIKE TO BRING SOME STRATEGIC PERSPECTIVES TO THIS BUDGET AMENDMENT.

THE FIRST THING THAT I DON'T THINK HAS BEEN EMPHASIZED ENOUGH IN THIS REMOVAL POLICY IS THAT RENEWABLES ARE A HEDGE AGAINST PRICE VOLATILITY FOR NATURAL GAS. OUR UTILITY IS STRONGLY INVESTED IN NATURAL GAS. AS IT SHOULD FOR A CLEAN FORM OF ELECTRIC ENERGY. NONETHELESS I EXPECT TO SEE HIGH VOLATILITY IN THE COMING YEARS. THAT WILL AFFECT RATEPAYERS IN THE AMOUNT OF MONEY THEY SPEND. THE SECOND THING THAT I WOULD LIKE TO POINT OUT, OR THAT I WOULD LIKE TO URGE COUNCIL TO HELP US DO IS THAT -- IS THAT THESE SOLAR SYSTEMS TEND TO BE VERY EXPENSIVE. WHAT I WOULD LIKE TO FOCUS ON IS CAN WE GET SMALLER SCALE SOLAR SO THAT WE CAN APPLY IT TO LARGER NUMBER OF PEOPLE IN OUR CITY. IF YOU JUST LOOK AT THE NUMBERS AND LOOK AT THE -- AT THE REBATE PROMISES, WE ARE GOING TO BE ABLE TO FUND 66 SYSTEMS FOR RESIDENTIAL AND 10 SYSTEMS FOR COMMERCIAL WITH THE REBATE MONEYS THAT ARE ALLOCATED HERE. THAT'S A VERY BROAD COVERAGE. SO I WANT TO ENCOURAGE COUNCIL TO HELP THE RMC AND [INDISCERNIBLE] MAKE FOCUS ON SMALLER SYSTEMS SO THAT WE CAN ATTRACT OR TARGET MANY PEOPLE OF LITTLE ECONOMIC MEANS AS WELL AS OTHER PRICE POINTS. FINALLY I WANT TO BRING COUNCIL'S ATTENTION TO THE GOALS THAT -- THAT AUSTIN ENERGY SET. WE SET A GOAL OF 20% RENEWABLES BY 2020. WE ALSO SET A GOAL OF 15 MEGAWATTS OF SOLAR BY 2007. IF WE LOOK AT THE FACT THAT THIS -- THAT THIS MILLION OF -- MILLION DOLLARS OF BUDGET AMENDMENT MONEY FOR SOLAR, IT REALLY ONLY COVERS 200 KILOWATTS ARE LIKELY TO BE INSTALLED AS A RESULT OF THIS. IT'S A GREAT START. I WANT TO ENCOURAGE US TO CONTINUE. IF WE ARE GOING TO MAKE THOSE GOALS, WE ARE UNDERFUNDING WHERE WE NEED TO BE. I WANT TO ENCOURAGE COUNCIL TO -- TO WORK WITH RMC AND EMC TO INCREASE THOSE GOALS SO THAT WE CAN TRULY HAVE A HEDGE AGAINST ENERGY COSTS OF ALL OF OUR RATEPAYERS AND MEET OUR GOALS FOR OUR OWN CLEAN ENERGY NEEDS. THANK YOU.

THANK YOU AND WELCOME TO THE COMMISSION. JAMES KOKEL. JAMES KOKEL SIGNED UP WISHING TO SPEAK, AGAINST. MEASHDAMANDA BUELLER, YOU WILL HAVE 3 MINUTES FOLLOWED BY JANET HUGHES.

GOOD MORNING, I'M AMANDA BUELL E.R., WITH PUBLIC DISEB AND THE SOLAR AUSTIN CAMPAIGN. WE DON'T WANT TO TAKE UP A LOT OF YOUR TIME TODAY. BUT DID WANT TO NOTE THE PROGRESS BEING MADE WITH AUSTIN SOLAR PROGRAMS. WE ARE VERY PLEASED THAT THE PROGRAM IS GETTING OFF THE GROUND SO QUICKLY. AUSTIN ENERGY STAFF HAS WORKED HARD TO TAKE INTO ACCOUNT LESSONS LEARNED FROM OUR PROGRAMS AROUND THE COUNTRY AND WE ARE VERY EXCITED THAT THIS IS SUPPOSED TO GET OFF THE GROUND IN APRIL. THERE ARE A FEW POINTS THAT WE ARE STILL WORKING ON WITH STAFF. THAT WE BELIEVE ARE GOING TO BE IMPORTANT TO THE SUCCESS OF THIS PROGRAM. INCLUDING THE FUNDING MECHANISM FOR THE PROGRAM, REBATE CAPS, THE METERING POLICY, WHICH WE HOPE TO HEAR MORE ABOUT IN THE COMING WEEKS -- OR WEEK AND RENEWABLE ENERGY CREDITS. EARLIER THIS WEEK I DOWN LOADED AN ANNUAL REPORT FROM CLEAN EDGE WHICH MEASURES GROWTH IN THE CLEAN ENERGY INDUSTRIES. I NOTED THAT AUSTIN IS MENTIONED TWICE IN THIS REPORT. ONCE IN THE CONTEXT OF HOW NATURAL GAS PRICES ARE HAVING AING RATEPAYERS. AND IT MENTIONED THAT OUR BILLS ARE \$10 HIGHER PER MONTH THAN THEY WERE BEFORE. BUT ALSO AS THE PRIME EXAMPLE OF HOW CITIES ARE TAKING THE LEAD WITH RENEWABLE ENERGY POLICY. AND THEN THERE ARE A LIST OF BIG HEADLINES FOR THE YEAR, AUSTIN SETS GOALS FOR 100 MEGAWATTS BY 2020 WAS THE FIRST HEAD LINE THAT THEY LISTED. OUR GOALS ARE BEGINNING TO GET NATIONAL ATTENTION. AND NOW WE ENTER PHASE 2 OF THIS PROCESS WHICH IS PUTTING THE FUNDING BEHIND THEM. A MILLION DOLLARS IS A LITTLE BIT LESS THAN WE WERE HOPING TO SEE. WE UNDERSTAND THIS IS A MID YEAR BUDGET AMENDMENT AND IT'S HARD TO COME UP WITH HUGE POTS OF MONEY AT THIS TIME. WHAT'S IMPORTANT, WE BELIEVE, IS THAT WE FIND A WAY TO ARTICULATE THE LONG-TERM INVESTMENT THAT WE ARE GOING TO MAKE WITH THIS PROGRAM. THE STRATEGIC PLAN OUTLINES OUR GOALS FOR THE NEXT 10 YEARS BUT DOESN'T INCLUDE A FUNDING COMPONENT. WE WANT TO FIND A MECHANISM THAT WILL PROVIDE A SIZABLE POT OF FUNDS OVER A LONG PERIOD OF TIME JUST AS WE DO WHEN WE INVEST IN OTHER TYPES OF POWER PLANTS. OR EVEN AUSTIN ENERGY'S

CONSERVATION PLANT WHICH WAS -- WHICH WAS A MULTI-YEAR, LONG-TERM, LARGE SCALE INVESTMENT. IT'S -- IT'S ARGUABLY ONE OF AUSTIN ENERGY'S BEST INVESTMENTS OVER THE LAST YEARS AND HELD UP AS A MODEL FOR OTHER UTILITIES ACROSS THE NATION. WE WOULD LIKE TO REGARD THIS SOLAR POWER PLANT AS A DISTRIBUTED POWER PLANT THAT ALSO NEEDS A LONG-TERM INVESTMENT. SO WE HAVE GOT OUR SIGHTS SET ON THE NEXT FISCAL YEAR AS OUR OPPORTUNITY TO PUT MORE SUBSTANTIAL FUNDING BEHIND THIS AND WE LOOK FORWARD TO CONTINUING WORKING WITH YOU ON THOUSAND DO THAT. -- ON HOW TO DO THAT. THANK YOU.

Mayor Wynn: THANK YOU. JANET HUGHES. WELCOME, THREE MINUTES, FOLLOWED BY -- WELL, GAVINO FERNANDEZ. WELCOME, MA'AM.

THANK YOU. I'M JANET HUGHES WITH JANUARYNENT'S SOLAR ELECTRIC -- JANET SOLAR ELECTRIC. HERE REPRESENTING THE INSTALLERS IN TOWN, ALSO SOME OF THE OTHER SOLAR ADVOCATES, SOME OF WHICH ARE IN THIS ROOM. AND WE WANT TO THANK EVERYBODY FOR MAKING THIS PROGRAM HAPPEN TO QUICKLY. WE ARE VERY PLEASED WITH THE PROGRESS THAT'S BEEN MADE IN THE LAST SIX MONTHS. IT'S BEEN VERY, VERY RAPID. THIS HAS TAKEN PLACE. AND WE'VE BEEN WORKING VERY CLOSELY WITH THE AUSTIN ENERGY TEAM, THEY HAVE BEEN WONDERFUL TO WORK WITH, THEY HAVE SUPPORTED US, LISTENED TO US, IT'S BEEN A VERY GOOD RELATIONSHIP AND WE KNOW THAT THEY ARE VERY, VERY DEDICATED TO MAKING THIS POSSIBLE AND AL OF YOUR EFFORTS. -- ALL OF YOUR EFFORTS. I DO WANT TO SAY HOW IMPORTANT IT IS. RMC ADDED AN AMENDMENT TO THIS, THE AMENDMENT STATED THAT -- THAT IF THE FUNDING IS USED UP MORE QUICKLY, IF WE HAVE A REAL SUCCESSFUL PROGRAM. THAT MORE FUNDING WOULD BE PUT IN PLACE BEFORE 2005, WE FEEL STRONGLY THAT THIS IS IMPORTANT BECAUSE WE WANT TO SEE THIS PROGRAM SURVIVE AND BE SUCCESSFUL AND WORK. AND SO THE FUNDING IS A REAL CRITICAL ISSUE HERE. WE DON'T KNOW EXACTLY HOW FAST THIS IS GOING TO TAKE OFF. IT COULD TAKE OFF VERY QUICKLY. WE WANT TO HAVE OPTIONS THERE. THERE ARE OTHER -- OTHER ISSUES THAT -- THAT WE STILL ARE

WORKING ON THAT NEED FINE TUNING MUCH ONE OF THEM IS THE CAP LEVEL. THERE'S A \$100,000 CAP ON COMMERCIAL PROJECTS RIGHT NOW. WHICH MAKES SENSE WITH THE MILLION DOLLAR THAT'S BEING BUDGETED RIGHT NOW. BUT AS WE GET A LARGER POOL OF MONEY, WE WANT THE OPTION THERE TO HAVE LARGER CAPS BECAUSE \$100,000 IS A 20-KILOWATT SYSTEM FOR COMMERCIAL AND THAT IS A VERY SMALL SIZE. IT DOESN'T GIVE COMMERCIAL CUSTOMERS A GOOD ENOUGH INCENTIVE TO DO SOLAR. AND WE REALLY WANT TO SEE THE COMMERCIAL MARKET TAKE OFF, AS WELL AS THE RESIDENTIAL. AND FROM AN INSTALLER'S STANDPOINT, WE LIKE THOSE LARGE SYSTEMS, THEY ARE ACTUALLY A LOT LESS WORK THAN THE SMALLER ONES. AND WE WANT THAT MARKET TO BE OPEN AS WELL. SO I'M CONTINUING TO WORK WITH AUSTIN ENERGY ON DIFFERENT ISSUES SUCH AS METERING, THESE CAP LEVELS, AND THE -- AND THE RENEWABLE ENERGY CREDITS AND THE VALUE OF SOLAR STUDY THAT'S GOING TO BE DONE. ALL OF THOSE ARE REALLY IMPORTANT. SO WE SEE THIS AS A STARTING POINT. THIS NEXT PERIOD OF TIME FOR US TO FINE TUNE IT, KEEP WORKING WITH IT. I APPRECIATE ALL OF YOUR EFFORTS AND YOUR INTEREST IN THIS PROJECT AND WE ARE LOOKING FORWARD TO A REALLY SUCCESSFUL PROGRAM. THANK YOU.

THANK YOU, MS. HUGHES. DEBORAH FINN SIGNED UP NOT WISHING TO SPEAK IN FAVOR. MEREDITH KRIEGER NOT WISHING TO SPEAK, IN FAVOR. JOSEPH VOKUFA, NOT WISHING TO SPEAK IN FAVOR. SUSAN SLOAN, IN FAVOR NOT WISHING TO SPEAK. MR. GAVINO FERNANDEZ. WELCOME, GAVINO. YOU WILL HAVE THREE MINUTES.

GOOD MORNING, COUNCIL, MY NAME IS GAVINO FERNANDEZ WITH EL CONCILIO, ALSO A MEMBER OF THE HOLLY POWER PLANT CLOSURE COMMITTEE. BEFORE I COMMENSE MY COMMENTS, I WANT TO INVITE THE PUBLIC TO OUR HOLLY POWER PLANT CLOSURE COMMITTEE MEETING ON APRIL THE 6th, AT METZ RECREATION CENTER. WE HAVE FINALLY SCHEDULED OUR MONTHLY MEETINGS AT THE METZ RECREATION CENTER, WE MEET EVERY SECOND TUESDAY OF THE MONTH AT 6:00 P.M. WE ALSO CONTINUE TO MEET ONCE A MONTH WITH MR. GARZA TO DISCUSS ONGOING ISSUE WAS THE HOLLY POWER PLANT. WITH THE HOLLY

POWER PLANT, WE WANT TO THANK AND COMMEND MR. GARZA FOR HIS ATTENTION TO OUR ISSUES. I WANT TO SUPPORT THE RESOLUTION AND THE INVESTMENT THAT IS BEING MADE TO SEE THE FATE OF THE HOLLY POWER PLANT BE CLOSED. HOWEVER, I DO WANT TO ENCOURAGE THE COUNCIL AND STAFF TO CONTINUE TO WORK CREATIVELY SO THAT WE CAN ONCE AGAIN VISIT THE STRATEGIC PLAN AND SHUT THE POWER PLANT AS HAD PREVIOUSLY BEEN PROMISED IN THE YEAR 2005. THE CHANGE IN THE INDUSTRY, THE ELECTRICAL INDUSTRY, IS CHANGING EVERY DAY. OPPORTUNITIES TO PRODUCE ELECTRICITY EFFICIENTLY ARE COMING TO A RISE IN THE INDUSTRY EVERY DAY. THE AN BUTTERCUP DANCE OF ELECTRICAL -- THE ABUNDANCE SUPPLY OF ELECTRICAL POWER PLANT, MORE ARE COMING ON BOARD. AGAIN I WOULD LIKE TO STRONGLY ENCOURAGE STAFF AND COUNCIL TO WORK CREATIVELY SO THAT WE CAN MEET THAT YEAR 2005 SO THAT THE MISERY AND THE INHALING OF TOXIC POLLUTION THAT THIS POWER PLANT EMITTS EVERY DAY IS FINALLY PUT TO AN END. SO WITH THAT I JUST WANT TO CLOSE AND REMIND THE PUBLIC THAT AGAIN THE HOLLY CLOSURE COMMITTEE MEETS ON APRIL THE 6th AT METZ RECREATION CENTER AT 6:00 P.M. WE CONTINUE TO MEET EVERY SECOND TUESDAY OF THE MONTH AT METZ RECREATION CENTER AND INVITE THE PUBLIC TO COME HEAR AND LISTEN TO THE CONCERNS OF THE NEIGHBORHOOD THAT'S IMMEDIATELY AFFECTED BY THE POWER PLANT ARE DISCUSSING. THANK YOU VERY MUCH, COUNCIL, WE LOOK FORWARD IN CONTINUING TO WORK WITH YOU. ONCE AGAIN WANT TO COMMEND MR. GARZA FOR CONTINUING MEET WITH OUR NEIGHBORHOOD AND OUR NEIGHBORS ON THIS ISSUE, THANK YOU, SIR.

Mayor Wynn: THANK YOU, MR. FERNANDEZ, COUNCIL, THAT'S ALL OF THE CITIZENS SIGNED UP WISHING TO SPEAK ON ITEM NO. 9. ANY FURTHER QUESTIONS OF STAFF, COMMENTS? IF NOT, I'LL ENTERTAIN A MOTION ON ITEM NO. 2.

MOVE APPROVAL.

Mayor Wynn: MOTION MADE TO APPROVE ITEM NO. 2 BY COUNCILMEMBER MCCRACKEN. SECONDED BY

COUNCILMEMBER SLUSHER. FURTHER DISCUSSION?
HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 6-0 WITH THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. COUNCILMEMBER THOMAS, YOU HAD PULLED ITEM NO. 15 OFF THE CONSENT AGENDA, PERHAPS WE CAN TAKE THAT UP AT THIS TIME.

Thomas: NOT YET, STAFF IS STILL WORKING ON IT.

Mayor Wynn: OKAY. THEN COUNCILMEMBER SLUSHER PULLED ITEMS 28 AND 29. 28 BEING THE CLEAN AIR ACTION PLAN, 29 BEING THE -- THE TECHNICAL ISSUE OF THE INSPECTION AND MAINTENANCE PROGRAM. I'LL --

Slusher: MAYOR, I THINK THIS IS A VERY IMPORTANT PROGRAM AND I WANTED MR. BLOOD TO GIVE AUSTIN SHORT PRESENTATION ABOUT --

GOOD MORNING, COUNCIL, I'M FRED BLOOD, THE SUSTAINABILITY OFFICER FOR THE CITY OF AUSTIN. TODAY REPRESENTS THE END OF FOUR YEARS OF WORK ON THIS CLEAN AIR ACTION PLAN WHEN WE ARE ASKING THIS STATE TO TAKE ON 13 INITIATIVES TO PUT INTO WHAT THEY CALL THE STATE IMPLEMENTATION PLAN, UPON WHICH ACCEPTANCE BY THE STATE AND TURNED INTO THE E.P.A. WILL THEN BECOME THE LAW OF THIS REGION. ONE OF THE REASONS WHY WE NEED TO HAVE THE STATE TAKE ON THESE PLANS, IMPLEMENTATIONS THEY WILL BE UNIFORM ACROSS THE FIVE COUNTIES. IT WILL BE -- IT WILL ALLOW COUNTIES THINGS TO BE ENFORCED OUTSIDE THE CITY LIMITS OF THE CITY OF AUSTIN BECAUSE WE ALL KNOW COUNTIES HAVE RESTRICTIVE CAPABILITIES TO ENFORCE CERTAIN REGULATIONS, PROBABLY MOST IMPORTANT FOR THE CITY OF AUSTIN AND THE PEOPLE IN THIS REGION, IT ALSO GIVES US SOME LEVERAGE OR TRACTION AGAINST SOME OF THE STATE AGENCIES WHICH ARE OUR LARGEST EMPLOYER. HAVING THE STATE LAW ON OUR SIDE TO HELP CLEAN UP THE AIR WILL CERTAINLY MAKE THAT HAPPEN. WHAT WILL HAPPEN IF YOU PASS THE RESOLUTION TODAY

OH, THE FIRST OF APRIL THEY WILL GO TO TCEQ. THEY WILL DIGEST THEM AND COME UP WITH RULES TO MAKE THEM ENFORCEABLE. WE EXPECT THAT TO BE PUBLIC AND ACCEPT PUBLIC COMMENT ON IT SOMEWHERE IN JULY. BY DECEMBER THEY ARE SUPPOSED TO TURN IT OVER TO THE E.P.A. WE WILL START IMPLEMENTING REGULATIONS AND BY THE FOLLOWING DECEMBER WE HOPE TO HAVE ALL OF THEM IMPLEMENTED AND STARTED. THIS IS A GREAT -- WE ARE A NATIONAL LEADER IN AIR QUALITY BECAUSE -- BECAUSE OF THE EARLY ACTION COMPACT AND OUR AGGRESSIVENESS TO ATTACK AIR QUALITY ON A LOCAL LEVEL. AND THE -- AND THE ELECTED OFFICIALS ACROSS FIVE COUNTIES, IN PARTICULAR THIS COUNCIL, WHICH I THINK HAS BEEN A LEADER IN THIS REGION, NEEDS TO BE CONGRATULATED ON THAT. IF YOU HAVE ANY QUESTIONS, SPECIFIC QUESTIONS OR WANT SOME MORE DETAIL, I WILL BE HAPPY TO -- TO TALK SOME MORE.

Slusher: MAYOR, MR. BLOOD, THIS IS A VERY IMPORTANT STEP FORWARD. I THINK I WANT TO CONGRATULATE HIM AND HIS HARD WORK. I THINK THAT IT'S EXTRAORDINARY HOW THE AMOUNT OF PARTICIPATION IN THE REGION ON THIS ISSUE AND IT REQUIRES REGIONAL PARTICIPATION BECAUSE THE AIR WE BREATHE DOESN'T KNOW BORDERS. IN FACT IN THE AIR THE POLLUTANTS THAT WE HAVE TO BREATHE COME FROM OUTSIDE THE REGION. WE HAVE GOT TO DO OUR PART TO CLEAN IT UP, THOUGH. HERE THE BIGGEST PART OF THAT, I BELIEVE, IS THE EMISSIONS TESTING. TELL US JUST A LITTLE BIT ABOUT HOW THAT'S GOING TO WORK, WHAT WILL BE THE COST TO THE -- TO THE CAR OWNER THAT GOES IN FOR AN INSPECTION. AND THE AMOUNT OF -- THE AMOUNT OF POLLUTION THAT WE WOULD EXPECT THIS TO REDUCE.

THE -- THE MAIN KNOX OR -- NOX, THE POLLUTANT OF CONCERN, REDUCTION METHOD THAT WE HAVE IN THIS WHOLE PROGRAM IS WHAT THEY CALL THE VEHICLE I AND M INSPECTION. THIS HAS SEVERAL PARTS TO IT. THE FIRST PART IF YOU ARE DRIVING A 1996 CAR OR NEWER, WHEN YOU GO IN FOR THE SAFETY INSPECTION, YOU HOOK UP TO THE COMPUTER IN THE CAR TO MAKE SURE THAT THE CAR IS OPERATING WITHIN SPECIFICATION. THIS IS VERY SIMILAR TO WHAT WILL HAPPEN WHENEVER YOU TAKE YOUR CAR IN

FOR A TUNE-UP ANYWAY. THE CAR IS OLDER THAN 1996, THEY DON'T HAVE COMPUTERS IN THEM, WE ACTUALLY STICK A PROBE INTO THE TAIL PIPE AND TEST THE CAR UNDER TWO DIFFERENT SPEEDS OF IDLE. ANOTHER PART OF THIS PROGRAM IS WHAT THEY CALL REMOTE SENSING WHERE WE CAN FIND WHAT WE CALL THE -- HOPE TO BE ABLE TO FIND ALL OF THE SOUPER POLLUTERS ON THE -- SOUPER POLLUTERS ON THE ROAD. SUPER POLLUTERS. THE CARS ON INTO A HIGH POLLUTING MODE. ANOTHER ASPECT OF THIS IS WHAT THEY CALL LIRAP, LOW INCOME REPAIR AND ASSISTANCE PROGRAM. WHERE FOR PEOPLE THAT ARE -- PEOPLE THAT ARE ECONOMICALLY CHALLENGED, THEY ARE MAKING LESS THAN DOUBLE THE FEDERAL POVERTY RATE, WE WILL HELP PAY FOR THEIR -- ANY REPAIRS THAT THEY NEED TO KEEP THE VEHICLE GOING. THE COST OF THE TEST IS \$20. PER YEAR. IT WILL BE DONE AT THE SAME TIME, AT THE SAME PLACE AS YOUR SAFETY INSPECTION. WE HAVE ESTIMATED THIS COST TO BE LESS THAN .03 CENTS A MILE. AT WHICH -- WE KNOW THAT THE FEDERAL GOVERNMENT FIGURES WILL COST YOU ABOUT 37 37 CENTS A MILE TO DRIVE YOUR CAR. SO IT'S ALMOST A NEGLIGENTIBLE COST FOR THE VEHICLE OPERATOR AND IT IS OUR SINGLE LARGEST NOX REDUCING PROCESS THAT WE HAVE IN PLACE.

THANK YOU, THAT'S REALLY ALL THAT I HAVE, MAYOR. WE MOVE FORWARD ON THE SOLAR ENERGY PROGRAM WITH THE REBATE, WITH THE COMPRESSION STUDY SO THAT YOU COULD INCREASE THE AMOUNT -- SOLVE SOME OF THE TRANSMISSION PROBLEMS ON WIND, NRPG, THOSE ARE -- ENERGY, THOSE ARE BOTH VERY CRITICAL ITEMS, BOTH FOR THE CLEAN AIR AND THE ENVIRONMENT IN GENERAL AND THIS ITEM WHERE WE START TO REDUCE OUR MAJOR POLLUTANT THAT WE HAVE IN THIS AREA, WHICH IS EXHAUST FROM AUTOMOBILES. I THINK BEFORE WE REALLY -- BEFORE WE REALLY, REALLY MAKE A DENT IN THAT, WE ARE GOING TO HAVE TO HAVE THE FEDERAL GOVERNMENT AND MAJOR INDUSTRY DO MORE RESEARCH AND REALLY INVEST IN ALTERNATIVE FUELS. WE ARE GETTING MORE HYBRID CARS PRODUCED JUST BASICALLY BY THE MARKET. THAT'S A GOOD THING, WE NEED TO TAKE THAT A LOT FURTHER. CAPITAL METRO HAS 15 HYBRID BUSES ON

ORDER. THAT'S A GOOD THING. BUT TO REALLY MAKE A DENT WE ARE GOING TO HAVE TO HAVE THIS LARGE SCALE INVESTMENT I THINK BY THE FEDERAL GOVERNMENT TO WHERE WE START USING A LOT LESS GASOLINE IN THE CARS RUNNING ON ALTERNATIVE FUELS OR THROUGH ELECTRIC LIKE THE HYBRIDS ARE. BUT THIS IS A REALLY SOUND, VERY IMPORTANT STEP FORWARD FOR THIS REGION. THANK YOU.

THANK YOU. COUNCILMEMBER SLUSHER?

Mayor Wynn: I MOVE APPROVAL OF BOTH 28 AND 29.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE 28 AND 29. JOINTLY. SECONDED BY COUNCILMEMBER ALVAREZ. WE WILL -- A FEW QUICK WORDS. ON ITEM NO. 28, WHICH IS THE LARGER MULTI-FACETED CLEAN AIR ACTION PLAN AS THE MAYOR OF AUSTIN, I'M ALSO HONORED TO SERVE AS CHAIR OF WHAT'S CALLED THE CLEAN AIR ACTION COALITION, WHICH IS MADE UP OF -- OF 10 OR 12 ELECTED OFFICIALS FROM THE FIVE COUNTY AREA. COUNTY JUDGES AND CITY REPRESENTATIVES. WHEN YOU INHERITED THAT TASK AND HAVE BEEN VERY IMPRESSED FROM THE WORK OF THE -- OF THE SEVERAL PREVIOUS COALITIONS. FIRST CHAIRED BY MAYOR KIRK WATSON, I BELIEVE. BUT THE AMOUNT OF ENERGY AND INPUT FROM OUR SUBURBAN NEIGHBORS HAS BEEN REMARKABLE TO ME. THE BEAUTY OF THE FAIRNESS OF THIS CLEAN EARLY ACTION COMPACT PLAN IS THAT IT ESSENTIALLY IS A VERY EQUITABLE ANALYSIS OF FRANKLY WHERE OUR POLLUTION COMES FROM. CLEARLY THE CITY OF AUSTIN AND TRAVIS COUNTY BEING THE MOST DENSELY POPULATED CITY AND COUNTY IN THE REGION. PLAYS A DISPROPORTIONATE ROLE. WE ARE ACKNOWLEDGING THAT AND DOING OUR PART. BUT IT'S -- IT'S QUITE ENCOURAGING TO SEE OUR MORE SUBURBAN NEIGHBORS TAKING THE SAME APPROACH. IT AN HONOR FOR ME TO SERVE WITH OUR OFFICIALS AND THIS CLEAN AIR ACTION PLAN HAS REMARKABLE CONSENSUS FROM A BROAD SPECTRUM OF FOLKS WHO LIVE IN VERY RURAL SETTINGS TO THOSE OF US WHO LIVE IN THE MOST URBAN SETTINGS IN THE REGION. WITH REGARDS TO THE INSPECTION AND MAINTENANCE PROGRAM, THAT'S THE MOST TALKED ABOUT

CONTROVERSIAL ASPECT OF THE CLEAN AIR ACTION PLAN, BECAUSE IT INVOLVES A DIRECT ANNUAL COST TO OUR CONSTITUENTS. OUR -- OUR COMMUTERS. IT'S -- IT'S AGAIN VERY ENCOURAGING TO SEE OUR NEIGHBORS TAKING THE SAME SORT OF EQUITABLE APPROACH THAT WE WILL BE TAKING WITH THIS ACTION. THAT IS THE CORRIDOR OF WILLIAMSON COUNTY, TRAVIS COUNTY AND HAYS COUNTY VOTED TO INCLUDE INSPECTION AND MAINTENANCE -- AS THEIR -- FOR THEIR CONSTITUENTS AS PART OF THEIR ASPECT OF CLEAN AIR ACTION PLAN. THE CITY OF ROUND ROCK WILL VOTE ON THE PLAN, WHICH WILL ALLOW ALL OF WILLIAMSON COUNTY TO COME INTO THE I AND M PROGRAM. WITH THIS ACTION TODAY THE CITY WILL JOIN TRAVIS COUNTY HAVING ALL OF OUR CONSTITUENTS ALSO BE PART OF THE PLAN. SO AGAIN IT HAS BROAD CONSENSUS. AS WE HEARD EARLIER IT'S BEEN YEARS IN THE MAKING. THE TECHNICAL DATA AND THE MODELING THAT -- AND SCIENTIFIC BACKUP THAT IS GIVEN TO US AS DECISION MAKERS IS REMARKABLE. THIS ISN'T JUNK SCIENCE. IT'S AN ELABORATE SYSTEM OF MODELING EXISTING AND FUTURE CONDITIONS. THE MOST APPROPRIATE THING FOR US TO DO AS A LARGER REGIONAL COMMUNITY. WITH THAT I APPRECIATE THE SUPPORT OF STAFF BOTH AT THE CITY OF AUSTIN AND THE LARGER REGION. ND WILL GLADLY BE JOINING MY COLLEAGUES IN SUPPORTING 28 AND 29. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? ITEM 28 AND 29 PASSES ON A VOTE OF 4-0 WITH CAN COUNCILMEMBER SLUSHER, MCCRACKEN AND THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS.

Slusher: MAYOR I'M ON THE DAIS.

Mayor Wynn: I'M SORRY. [LAUGHTER] COUNCILMEMBERS THOMAS, MCCRACKEN AND THE MAYOR PRO TEM TEMPORARILY OFF THE DAIS. THANK YOU FOR CORRECTING ME. THANK YOU, MR. BLOOD. COUNCIL, THAT GETS US THROUGH ALL OF OUR DISCUSSION ITEMS WHERE THE EXCEPTION OF ITEM NO. 15 THAT I BELIEVE STAFF IS TRYING TO LOCATE SOME INFORMATION FOR COUNCILMEMBER

CAN'T ACT IN THE ADVANTAGE OF THE CITY TO ACT WITHOUT KNOWING THE VALUE -- THE TOTAL VALUE THAT'S INVOLVED. AND THE RECENT MOVE TO HAVE THE CITY COUNCIL MAKE AN EVALUATION OR CHOICE BETWEEN LEASING AND SELLING IN A MONTH, WITHOUT THESE PROMISED FIGURES, WILL JUST INCREASE THE DEVELOPER'S ADVANTAGE. ALMOST AS ODD IS THE IDEA THAT BECAUSE THE DEVELOPER IS REIMBURSED FOR THE INFRASTRUCTURE, THAT'S A REASON FOR SELLING HIM THE LAND. THE TROUBLE IS NO ONE HAS THOUGHT OR REASONED WHY THE CITY SHOULD SELL ITS LAND, WHICH IT HAS IN THIS WAY JUST MADE ENORMOUSLY MORE VALUABLE. AH, BUT WHAT ABOUT THE ABILITY OF THE MASTER DEVELOPER TO FINANCE THE INFRASTRUCTURE THE ARGUMENT GOES. WELL, IF THE CITY OWNS THE LAND, IT WILL HAVE LESS TROUBLE ISSUING BONDS TO PAY FOR IT ON THE BASIS OF ANTICIPATED REVENUE. DID YOU EVER -- DO YOU REMEMBER THE BATTERY PARK CITY DESCRIPTION THAT WE GAVE YOU IN THE EARLIER HANDOUT? IT WAS ABLE TO ISSUE AND SELL BONDS BECAUSE OF THE GUARANTY TEED GROUND LEASE, IN THIS CASE FOR AFFORDABLE HOUSING. SO IS THE REDEVELOPMENT DEPARTMENT ANTICIPATING SELLING TO THE DEVELOPER THAT THIS IS SUCH A PROBLEM? [BUZZER SOUNDS] THERE IS A WAY TO GET OUT OF IT, AND I WILL DO THAT NEXT WEEK. ROBERT SINGLETON HAS A GREAT IDEA FOR WHY WE SHOULD RETAIN CONTROL. THANK YOU.

Mayor Wynn: THANK YOU, MARY. I WILL WELCOME MR. ROBERT SINGLETON.

BEFORE WE GET TO THE GREAT IDEA, LOT 21. SINCE I TALKED TO YOU LAST, THE R.F.P. FOR THE SALE OF BLOCK 21 HAS BEEN ISSUED. WHAT STRIKES ME AS UNUSUAL IS IT'S BEEN ISSUED WITHOUT ANY DIRECTION FROM COUNCIL TO SEE ABOUT SELLING THE LAND. IT STRIKES ME AS BEING FAINTLY LIKE A CLASSIFIED AD BEING PUT IN TO SELL THE FAMILY CAR WHEN THE FAMILY'S NOT MADE THE DECISION TO SELL IT YET. THE BIGGEST ADVANTAGE OF LEASING LAND IS THAT YOU RETAIN CONTROL OVER FUTURE LAND USE. I WOULD THINK THAT WOULD APPLY TO BLOCK 21. I KNOW IN PARTICULAR THAT I WANT TO APPLY IT TO THE MUELLER DEVELOPMENT. LET'S TALK ABOUT BIG BOX AT MUELLER. AT

YOUR LAST MEETING SUE EDWARDS SAID THAT THE NORTHWEST QUADRANT OF THE AIRPORT SITE, QUOTE, CANNOT AND WILL NOT BE A WAL-MART. SINCE THAT TIME I'VE GONE BACK AND I'VE LISTENED TO THE AUDIO FROM THE MUELLER COMMISSION MEETING. THERE IS NOTHING IN THAT THAT WOULD BE ILLEGAL OR A STRUCTURAL IMPEDIMENT TO WAL-MART. THIS SITE, UNLESS SOMETHING IS DONE ABOUT IT, IS GOING TO BE BIG BOX RETAIL, AND THERE'S ABSOLUTELY NOTHING TO PROHIBIT WAL-MART FROM BEING ONE OF THE APPLICANTS. I HAVE A CD OF THAT MEETING FOR EACH OF YOU IF YOU WANT TO HAVE YOUR STAFF LOOK THROUGH THE AUDIO OF THAT, BUT THERE IS NOTHING IN THAT TO PROHIBIT WAL-MART FROM BEING ONE OF THE APPLICANTS. SINCE THEN I'VE BEEN TRYING TO THINK OUTSIDE OF THE BIG BOX FOR SOMETHING WE CAN DO WITH THAT NORTHWEST QUADRANT AND TODAY I'VE GOT AN IDEA FOR YOU. YOU WANT TO USE -- A USE THAT GENERATES REVENUE, THAT ANNOUNCES THIS PROJECT IS UNUSUAL FROM THE REDEVELOPMENT, AND I'M NOT SURE THAT WAL-MART QUALIFIES AS SOMETHING DIFFERENT. AND YOU WANT TO HAVE A LAND USE THAT HAS THE FLEXIBILITY FOR FUTURE REUSE. MY SUGGESTION THERE, A DRIVE-IN MOVIE THEATER. BUT THIS IS AUSTIN, SO IT WOULDN'T HAVE TO BE THE TYPICAL DRIVE-IN MOVIE THEATER. IF YOU HAD A HALF OF THE SPACE FOR PARKING SPACES, A QUARTER OF THE SPACE FOR PEOPLE WHO BRING PICNIC BLANKETS AND LUNCHES OR DINNERS TO WATCH THE MOVIE AND HAVE THE BACK CORNER OF IT BE A COMBINATION OF BREACH BLEACHERS, CONCESSION STAND AND MAYBE A NICE RESTAURANT, YOU WOULD HAVE A PROJECT THAT WOULD BE DIFFERENT FROM MOST ANYTHING THAT EVERYBODY HAS EVER CONCEIVED FOR THIS SITE. PEOPLE COULD DO AND THEY COULD DO ALL OF THE TRADITIONAL DRIVE-IN EXPERIENCE OF SITTING IN THEIR CAR. ADDITIONALLY AS THE MUELLER SITE GOT BUILT OUT, MORE AND MORE PEOPLE COULD WALK TO THE SITE. SOME POSSIBILITIES SUGGEST THEMSELVES. YOU COULD DO THINGS WITH AUSTIN FILM SOCIETY OR WITH SOUTH BY SOUTHWEST OR WITH U.T.'S DEPARTMENT OF COMMUNICATIONS FOR SPECIAL SCREENINGS. IT WOULD BE A GREAT PLACE. AND FOR SOUTH BY SOUTHWEST FILM FESTIVAL, IT WOULD BE A TERRIFIC, EXCITING PIECE OF PUBLICITY TO HAVE SOME OF

THESE MOVIES SHOWN FOR THE FIRST TIME OUTDOORS. OTHER USES FOR THE SITE? YOU COULD USE IT FOR FARMERS MARKETS, FLEA MARKETS, GARAGE SALES. YOU COULD DO LIVE THEATER THERE, YOU COULD PUT ON LIVE CONCERTS OF THE THE CITY COULD DO THIS IN A NUMBER OF WAYS. THEY COULD HIRE A COMPANY TO COME IN AND MANAGE THE SITE. THEY MIGHT EVEN BE ABLE TO CONVINCE THE AUSTIN FILM SOCIETY SO DO IT FOR NOTHING. [BUZZER SOUNDS] PLEASE TAKE THIS IDEA SERIOUS. I STARTED TO LOOK ON THE INTERNET AND FOUND OUT THAT THERE ARE MORE THAN 400 DRIVE-INS STILL IN OPERATION ACROSS THE UNITED STATES, INCLUDING 12 IN TEXAS. AND THE LAST THING I'LL SAY IS IF YOU'RE WORPDING ABOUT WHAT IT'S GOING TO COST I FOUND THIS ON THE INTERNET. THIS IS FROM THE CROSSROADS MOVIE THEATER IN SHINER, TEXAS. THEY PUBLISH A BOOK ABOUT HOW TO RUN AN INEXPENSIVE DRIVE-IN. I ONLY HAVE ONE. THANKS AND KEEP IT IN MIND. IT'S BETTER THAN BIG BOX.

Mayor Wynn: THANK YOU, MR. SINGLETON. MR. GLEN NESSEL? GLEN NESSEL. MR. GAVINO FERNANDEZ. WELCOME. SIR.

FW AFTERNOON, COUNCIL, MY NAME IS GAVINO FERNANDEZ. AND WITH ME ARE SEVERAL OTHER RESIDENTS OF THE CITY. I WANT TO TALK ABOUT THIS ISSUE BECAUSE WHEN THE CONSTRUCTION PHASE OF THAT STREET OCCURRED, EL CONCILIO AND ITS NEIGHBORHOOD ASSOCIATIONS COORDINATED A MEETING WITH THE -- BY MR. COMMISSIONER DELEON AND (INDISCERNIBLE) TO BRING THE NEIGHBORS AND THE BUSINESSES AND TO BE BRIEFED BY THE CONTRACTOR WHAT EXPECTATIONS THEY WERE GOING TO FACE DURING THIS CONSTRUCTION PHASE. HAD UNITED EAST AUSTIN ATTENDED THIS MEETING, THEY WOULD HAVE BEEN AWARE THAT TRANSPORT SAN ALLOWS WAS IN THE PROCESS OF MOVING. BUT INSTEAD OF TAKING THEM TO COURT BECAUSE THE TWO GENTRY PHIERS IN OUR COMMUNITY ARE QUESTIONING THEIR EXISTENCE THERE, THIS CITY COUNCIL SHOULD BE HELPING THE TRANSPORT SAN LEWIS IN THE MOVE TO SEVENTH STROOT BY FAST TRACKING THE PERMIT PROCESS, BY WAIVING THE PERMIT PROCESS FEES SO THAT THEY COULD CONTINUE TO BE A VIABLE ECONOMIC CONTRIBUTION TO OUR COMMUNITY.

ONCE AGAIN, SMART GROWTH IN THIS WHOLE PROCESS HAS RISEN AGAIN TO WHERE IT'S BEEN A DEVICE SIEVE TOOL -- DIVISIVE TOOL IN OUR COMMUNITY. AND WHILE THE CITY MANAGER WAS ALMOST OVERGESTURING AND APOLOGIZING TO UNITED EAST AUSTIN FOR THE CITY'S LOSING THE PAPERWORK ON SAN LEWIS, THE GOVERNMENT DOESN'T LOSE ANY TIME ANY MORE. THEY WANT TO MOVE. SO LET'S -- LET'S GIVE THEM A NEW STRATEGY AND WORK POSITIVELY WITH SMALL BUSINESSES IN EAST AUSTIN. ONE ARRIVAL AT 2:00 O'CLOCK, ONE DEPARTURE AT 10:00 O'CLOCK. NO TRAFFIC. AND IT'S IRONIC THAT UNITED EAST AUSTIN IS COMPLAINING ABOUT THIS BUSINESS, YET ON FIRST -- FOURTH WE HAVE A BUSINESS THAT STORES HORSES, BATHES HORSES. THESE ARE THE PLACE THAT CATERS TO THE PEOPLE THAT TAKE CAIRJZ AROUND SIXTH STREET. BUT THIS IS A MEXICAN BUSINESS. SO I DON'T WANT TO GO TO WHY THESE BUSINESSES ARE TARGETED AND WHY ARE THESE BUSINESSES NOT TARGETED. SO THAT'S WHY WHEN WE SAW THE CITY MANAGER MAKING HERSELF AND PROMISING UNITED EAST AUSTIN TO WORK WITH THEM, THAT'S WHY I -- I CALL -- I COORDINATE THE CALLS FROM THESE LEADERS THAT ARE FRUSTRATED WITH THE BUREAUCRACY IN THE CITY. SO WE COME TODAY, MAYOR, SO THAT THE CITY MANAGER CAN MAKE AVAILABLE TO US RESOURCES THAT CAN ADDRESS THE ISSUES THAT GREATER EAST AUSTIN HAS BEEN WORKING WITH IN REGARDS TO THE HORSES BEING IN THAT FACILITY THAT DO NOT HAVE THE ZONING. [BUZZER SOUNDS] AND GLORIA, WHO IS ALSO FACING SITUATIONS. SO WE ARE HERE AND ARE HOPING THAT THE CITY MANAGER WILL DIRECT THIS TO STAFF TO WORK WITH THIS ISSUE. THANK YOU, SIR.

Mayor Wynn: THANK YOU, MR. FERNANDEZ.

MAYOR, I THINK YOU WILL FIND THAT THE MANAGER, WORKING WITH STAFF TO RESPOND TO THESE TYPES OF REQUESTS IN TRYING TO FACILITATE THE MOVE AS WELL AS FINDING OUT THE ANSWERS TO SOME OF THE QUESTIONS RAISED TODAY. SO WE'LL REPORT BACK TO THE COUNCIL.

Mayor Wynn: THANK YOU. MR. PAT JOHNSON? PAT JOHNSON. I SAW HIM EARLIER TODAY. AND AGAIN, LET'S SEE, CHUCK PERRY? CHUCK PERRY. OR GLEN NESSEL. COUNCIL, THAT'S

ALL THE CITIZENS SIGNED UP FOR COMMUNICATIONS. WITH THAT WITHOUT OBJECTION, WE WILL GO BACK INTO CLOSED SESSION TO -- UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS POTENTIALLY ITEMS 39, 40 AND ZONING ITEM Z-5 AND Z-6 AS WELL AS TAKE UP UNDER SECTION 551.074 OF THE OPEN MEETINGS ACT TO DISCUSS PERSONNEL MATTERS RELATED TO THE MUNICIPAL COURT CLERK, WHICH IS ITEM 44. WITHOUT OBJECTION, WE ARE IN CLOSED SESSION. WE SHOULD BE BACK AT 2:00 O'CLOCK FOR OUR TIME CERTAIN BRIEFING ON THE HOSPITAL DISTRICT. THANK YOU.

Mayor Wynn: COUNCIL, EXCUSE ME, MS. PLUMBER AND COUNCIL, I APOLOGIZE. WE HAVE A COUPLE OF ACTION ITEMS WE CAN TAKE UP NOW IN ADVANCE OF OUR CLOSED SESSION AND WOULD LIKE TO GET THOSE OUT OF THE WAY SO SOME STAFF CAN GET BACK TO WORK AND EVEN A COUPLE OF CITIZENS CAN GO HOME. FIRST I'LL RECOGNIZE COUNCILMEMBER THOMAS, WHO HAD PULLED ITEM NUMBER 15 OFF THE CONSENT AGENDA, BUT I BELIEVE HAD SOME QUESTIONS ANSWERED BY STAFF.

Thomas: THANK YOU, MAYOR. I'LL PUT 15 BACK ON. THE STAFF ANSWERED THE QUESTIONS I NEEDED TO HAVE ANSWERED.

Mayor Wynn: MOTION BY COUNCILMEMBER THOMAS TO APPROVE ITEM NUMBER 15. SECOND BY COUNCILMEMBER SLUSHER. ANY DISCUSSION? ALL THOSE IN FAVOR, SIGNIFY BY SAYING AYE? MOTION PASS OZ A VOTE OF SEVEN TO ZERO. ALSO COUNCIL IF YOU REMEMBER IN CLOSED SESSION WE DISCUSSED REAL ESTATE PROJECTS RELATED TO OPEN SPACE PROJECT, AND THE GREENWAY AND DESTINATION PARKS. WE NOW HAVE A COUPLE OF ACTION ITEMS. I'LL RECOGNIZE STAFF FOR A PRESENTATION ON ITEMS 45 AND 46. WELCOME, MS. PLUMBER.

MAYOR AND COUNCIL, ITEM NUMBER 45 IS THE PURCHASE OF 236 ACRES FROM LS RANCH. IT'S LOCATED IN THE BARTON SPRINGS RECHARGE ZONE DIRECTLY ADJACENT TO EXISTING LAND THAT THE CITY HAS PURCHASED. THIS PARTICULAR PIECE, THE PURCHASE PRICE IS \$1,608,025. AND WE WOULD BE LOOKING TO CLOSE THIS TRANSACTION NEXT

THURSDAY. IT'S A GOOD ACQUISITION. IT'S PART OF AN ADJACENT PIECE AND WE LOOK FORWARD TO MOVING FORWARD. WE WILL ALSO BE SPENDING SOME OF THE LOWE'S MITIGATION FUND TO COMPLETE THAT AND SPEND THOSE FUNDS. AND THIS IS AN ONGOING PROJECT IN AN ONGOING AREA FOR US.

Mayor Wynn: WOULD YOU MIND JUST POINTING TO THE 236 ACRES FOR THE PUBLIC TO SEE?

THIS 236 ACRES IS RIGHT HERE. THIS DARK GREEN IS [INAUDIBLE] THAT THE CITY HAS ALREADY PURCHASED. THANK YOU.

Mayor Wynn: COUNCIL, FURTHER QUESTIONS OF STAFF? COMMENTS ON ITEM NUMBER 45? OTHERWISE I'LL ENTERTAIN A MOTION.

Slusher: MOVE APPROVAL.

Thomas: SECOND. MAY MAYOR MOTION BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ITEM NUMBER 45 RELATED TO THE OPEN SPACE PROJECT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. ITEM NUMBER 46, MS. PLUMBER.

ITEM NUMBER 46 IS PART OF THE GREENWAY AND DESTINATION PARKLAND PROJECT. THESE FUNDS WERE APPROVED BY THE VOTERS IN NOVEMBER OF 1998. THIS ACQUISITION IS ON WASSON. ROAD HERE IS STRONG AND HERE IS STASSNEY. HERE IS ADJACENT PARKLAND ON WILLIAMSON CREEK. THE CITY HAS ABOUT 115 ACRES ALONG WILLIAMSON. THIS 7.9 PROVIDES A GOOD ACCESS POINT FOR THE PUBLIC. THIS PARTICULAR AREA ON THE NORTH SIDE OF THE CREEK IS VERY DEVELOPED, SO WE'RE LOOKING FORWARD TO AN ACCESS POINT FOR THE TRIAL. THE PURCHASE PRICE IS 415,000, AND 7.9 ACRES.

Mayor Wynn: AND THE FUNDING FOR THIS COMS FROM?

GREENWAY AND DESTINATION PARKLAND OUT OF THE DESTINATION PORTION OF THE PROJECT.

Mayor Wynn: APPROVED BY THE VOTERS IN 1998?

WHY. AND THAT WAS A TOTAL OF 40 AND A HALF MILLION APPROVED BY THE VOTERS FOR THIS PROJECT.

Mayor Wynn: FURTHER QUESTIONS OF STAFF, COUNCIL? COUNCILMEMBER SLUSHER?

Slusher: MAYOR, I'M GOING TO MAKE A MOTION FOR APPROVAL. I JUST WANTED TO VOINT OUT A -- POINT OUT A COUPLE OF THINGS. ONE, THIS AREA OF SOUTH AUSTIN BETWEEN BEN WHITE AND WILLIAM CANNON THE FREEWAY AND WESTGATE IS PRETTY DEFICIENT ON PARKS. I THINK MORE SO THAN ANY OTHER AREA OF THE CITY. SO THIS WILL CERTAINLY HELP. AND I WILL ACKNOWLEDGE, I LIVE IN THE AREA, ALTHOUGH NOT RIGHT NEXT DOOR TO THE PARK OR ANYTHING. AND SO NOT ONLY DOES IT ADD MORE PARKLAND, BUT CONNECTS TO SOME EXISTING PARKLAND THAT'S OWNED BY THE CITY, BUT NOT REALLY UTILIZED. IT'S BEEN CONTRIBUTED THROUGH THE SUBDIVISION PARKLAND ORDINANCE THAT'S BEEN IN PLACE FOR ABOUT 20 YEARS NOW WHERE SUBDIVISIONS BUILT HAVE TO CONTRIBUTE LAND FOR PARKS. IT HASN'T BEEN ABLE TO BE UTILIZED BY OUR CITIZENS, SO THAT WILL MAKE THIS POSSIBLE. AND I WANTED TO CONGRATULATE MS. PLUMBER AND THANK HER FOR SOME REALLY SOLID WORK AS A CITY EMPLOYEE NOT ONLY IN ACQUIRING PROPERTIES THROUGH HER HARD WORK THAT THE CITIZENS WILL BE ABLE TO UTILIZE FOR MANY YEARS, BUT ALSO VERY RESPONSIBLE USE OF THE TAXPAYERS' DOLLARS.

THANK YOU.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER SLUSHER TO APPROVE ITEM NUMBER 46.

Thomas: SECOND.

Mayor Wynn: SECONDED BY COUNCILMEMBER THOMAS.
FURTHER COMMENT? HEARING NONE, ALL THOSE IN FAVOR
PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. THANK YOU, MS. PLUMBER. THANK YOU, COUNCIL. SO NOW WE ARE IN CLOSED SESSION AS READ INTO THE RECORD EARLIER. THANK YOU. WE ARE OUT OF CLOSED SESSION. WE CONTINUED OUR DISCUSSION RECEIVING PRIVATE CONSULTATION FROM YOUR ATTORNEY REGARDING ITEM NO. 40 RELATED TO HB 1445, NO DECISIONS WERE MADE. AND ALSO DISCUSSED ZONING CASES Z-5 AND Z-6, AGAIN NO DECISIONS WERE MADE. WE DID NOT AND WILL NOT TAKE UP ITEM NO. 39 IN CLOSED SESSION RELATED TO THE MEET AND CONFER CONTRACT WITH THE AUSTIN POLICE ASSOCIATION AND HAVE YET TO TAKE UP ITEM NO. 34 RELATED TO OUR MUNICIPAL COURT CLERK. AT THIS TIME, COUNCIL, I WOULD LIKE TO CALL UP THE 2:00 BRIEFING, WHICH SHOWS ON THIS WEEK'S AGENDA AS ITEM NO. 47. A BRIEFING BY THE HOSPITAL DISTRICT STEERING COMMITTEE ON THE PROPOSED TRAVIS COUNTY HOSPITAL DISTRICT. ALSO REFERRED TO AT THE HEALTH CARE FINANCING DISTRICT. AT THIS TIME I WOULD LIKE TO WELCOME MR. CLARK HYDRICK SERVING AS THE CHAIR OF THAT STEERING COMMITTEE.

THANK YOU, YOUR HONOR. I WOULD LIKE TO INTRODUCE TO THE MAYOR AND COUNCIL, JUDGE GUY HERMAN, WHO IS WELL KNOWN TO YOU AS THE TRAVIS COUNTY PROBATE JUDGE AND MR. ED ADAMS, WHO IS A RETIRED I.B.M. EXECUTIVE WHO HAS BEEN WORKING ON THE STEERING COMMITTEE WITH US, HE'S THE TREASURER OF THE POLITICAL ACTION COMMITTEE THAT'S BEEN FORMED TO FOCUS ON THE HOSPITAL DISTRICT REFERENDUM. WE APPRECIATE VERY MUCH THE OPPORTUNITY TO COME BACK AND REPORT TO YOU ON WHAT WE HAVE BEEN DOING. AS MANY OF YOU WILL RECALL, OUR STEERING COMMITTEE WAS ORIGINALLY ORGANIZED IN THE SUMMER OF 2002 BY APPOINTMENT OF THEN MAYOR GUS GARCIA AND THEN COUNTY JUDGE SAM BISCOE TO STUDY WHETHER OR NOT IT MADE SENSE FOR CENTRAL TEXAS TO HAVE A HOSPITAL

DISTRICT AND IF IT MADE SENSE, TO PROPOSE WHATEVER LEGISLATION MIGHT BE REQUIRED AND TO IMPLEMENT A PLAN TO HAVE THE REQUIRED REFERENDUM TO CAUSE THE HOSPITAL DISTRICT TO BE CREATED. WE BEGAN MEETING, WE WERE KIND ENOUGH TO APPOINT A CROSS-SECTION OF THE BROAD COMMUNITY TO WORK ON THIS PROJECT. IT NOW INCLUDES THE CURRENT MAYOR AND COUNCILMEMBER BETTY DUNKERLY, AS WELL AS THE PREVIOUS THREE MAYORS OF THE CITY OF AUSTIN. THE TRAVIS COUNTY JUDGE AND COMMISSIONER KAREN SONLEITNER REPRESENTATIVES OF EACH OF THE HOSPITAL SYSTEMS, SEVERAL PHYSICIANS, REPRESENTATIVES OF BUSINESS, OTHER GOVERNMENTAL ORGANIZATIONS AND WE HAVE BEEN BLESSED FRANKLY TO HAVE ACCESS TO BOTH THE COUNTY AND CITY STAFF FOR PURPOSES OF -- OF LOOKING AT THE BUDGET, LOOKING AT HOW THE CURRENT COMMUNITY HEALTH SYSTEM WORKS. AND BOUNCING IDEAS BACK AND FORTH. THEY HAVE BEEN EXCELLENT TO WORK WITH. WE APPRECIATE IT TREMENDOUSLY. AFTER WE GOT GOING, WE -- OUR INITIAL STEP WAS TO DEVELOP A SERIES OF GOALS THAT -- THAT WE HOPED THAT ANY -- ANY PROPOSED DISTRICT MIGHT ACCOMPLISH. AND I PUT THAT LIST, IT'S VERY SHORT, IN FRONT OF EACH OF YOU. IT'S SOMETHING THAT WE DEVELOPED TWO YEARS AGO. THAT WE DID TO TRY TO HOLD OURSELVES ACCOUNTABLE TO. OBVIOUSLY, ITEM 1, WE HOPE THAT WE WILL PROVIDE ADEQUATE CAPABILITY AND CAPACITY INTO THE FUTURE FOR TRAUMA CARE AND EMERGENCY SERVICES IN OUR COMMUNITY. TWO, WE WANTED TO EXPAND AVAILABILITY OF MENTAL HEALTH AND CHEMICAL DEPENDENCY SERVICES. THREE, WE WANTED TO EXPAND AVAILABILITY OF HEALTH CARE FOR PEOPLE WHO ARE INDIGENT, UNINSURED OR UNDERINSURED. FOUR, WE WANTED TO ALLOCATE THE FINANCIAL COSTS OF THE FIRST THREE FAIRLY AMONG THE TAXPAYERS WHO WOULD BENEFIT AND AMONG THE PROVIDERS. FIVE, WE WANTED TO MAINTAIN AN EXPAND CONTRIBUTIONS TO THE SYSTEM FROM PRIVATE AND NON-PROFIT SOURCES. SIX, WE WANTED TO PROVIDE TRANSPARENCY IN THE SYSTEM SO THAT THE COMMUNITY, PARTICULARLY TAXPAYERS, CAN MEASURE AND EVALUATE INCREMENTAL BENEFITS DERIVED AGAINST INCREMENTAL COSTS. SEVEN, WE WANTED TO PLAN ON A REGIONAL BASIS

AND PROVIDE FLEXIBILITY FOR IMPLEMENTATION OF A REGIONAL PLAN OVER TIME. AND EIGHT WE WANTED TO CHANNEL FACILITIES USAGE AWAY FROM HOSPITAL EMERGENCY ROOMS EXCEPT WHEN APPROPRIATE AND TOWARD MORE LOWER COST AND EFFICIENT SOLUTIONS. AND, NINE, WE WANTED TO AVOID A TWO TIER SYSTEM OF HEALTH CARE. THAT'S WHAT WE SET OUT TO DO AND TO HOLD OURSELVES ACCOUNTABLE TO. WE BEGAN TO FOCUS ON EXACTLY WHAT WE WERE DEALING WITH. WE ARE DEALING WITH WHAT WE HAVE COME TO CALL THE COMMUNITY HEALTH SYSTEM. WE HAD SOME DISCUSSION ABOUT WHAT THAT MEANT. SOME PEOPLE WANTED TO REFER TO THAT AS PUBLIC HEALTH. OTHER PEOPLE POINTED OUT THAT THAT REALLY MEANT GOING AROUND AND SPRAYING FOR MOSQUITOES AND IMMUNIZATIONS, THINGS OF THAT SORT. THAT'S NOT WHAT WE ARE TALKING ABOUT HERE. WHEN WE TALK ABOUT COMMUNITY HEALTH, WE ARE TALKING ABOUT THAT SYSTEM THAT MUST ENSURE HIGH QUALITY, AVAILABLE TRAUMA AND EMERGENCY SERVICES IN OUR COMMUNITY. AND MUST ENSURE ACCESS TO GOOD BASIC HEALTH CARE TO EVERYONE IN OUR COMMUNITY. WHEN YOU LOOK AT IT IN ITS NARROWEST SENSE, WHICH I DON'T THINK WE SHOULD DO, YOU LOOK AT BRACKENRIDGE HOSPITAL, WHICH IS CURRENTLY OWNED BY THE CITY AND LEASED TO SETON. YOU LOOK AT WOMEN'S HOSPITAL, WHICH IS CURRENTLY UNDER A CONTRACT WITH UTMB, AND YOU LOOK AT THE 12 CITY AND COUNTY HEALTH CLINICS THAT PROVIDE PRIMARY CARE TO PEOPLE THROUGHOUT THE COUNTY. OUR THOUGHT IS THAT THAT'S TOO NARROW OF A VIEW WHEN YOU THINK OF COMMUNITY HEALTH. THAT WE NEED TO CONSIDER ALL OF THE OTHER HOSPITALS WHO HAVE EMERGENCY ROOMS THAT ARE TREATING PEOPLE WHO CAN'T PAY FOR ALL OF THEIR CARE. WE NEED TO THINK ABOUT ALL OF THE OTHER CLINICS. PEOPLE'S COMMUNITY CLINICS, BUENO SAMARITANO AND THINK ABOUT THE PHYSICIANS CONTRIBUTING THEIR TIME ON A PRO BONO BASIS TO HELP ACCOMPLISH WHAT IS A COMMUNITY HEALTH OBJECTIVE. WE ON FOCUSED INITIALLY AND WE CONTINUE TO FOCUS ON WHAT THE CURRENT PATIENT MIX IS FOR PATIENTS THAT ARE IN OUR COMMUNITY HEALTH SYSTEM RIGHT NOW. AND THE NUMBERS ARE REALLY STARTLING. OF THE PATIENTS IN CENTRAL TEXAS,

35%, BUT ONLY 35% HAVE WHAT WE WOULD CONSIDER TO BE REAL HEALTH INSURANCE OF THE SORT THAT MIGHT BE PROVIDED BY THE CITY OR THE COUNTY OR A BUSINESS EMPLOYER. 40% ARE COVERED BY A GOVERNMENT PLAN SUCH AS MEDICARE AND MEDICAID. CURRENTLY, MOST OF OUR PROVIDERS LOSE MONEY ON THOSE PLANS. 25% HAVE NO INSURANCE OR OTHER ABILITY TO PAY FOR THE CARE THEY RECEIVE. THEY HAVE NO PROGRAM, NO INSURANCE. THAT NUMBER IS INCREASING. THAT NUMBER IS A TERRIBLE NUMBER AND THAT NUMBER IS A NUMBER THAT DRIVES A BUNCH OF THE OTHER THINGS THAT WE ARE GOING TO TALK ABOUT. BEFORE WE GET TO THOSE THINGS, I WANTED TO MAKE THE POINT THAT WE ARE PAYING RIGHT NOW FOR THE COMMUNITY HEALTH CARE THAT'S PROVIDED IN A NUMBER OF DIFFERENT WAYS, BUT CERTAINLY WE ARE PAYING IN OUR COMMUNITY THROUGH PROPERTY TAXES. I BELIEVE IN THIS CURRENT FISCAL YEAR, PROPERTY TAXES FROM THE CITY OF AUSTIN WILL TOTAL APPROXIMATELY \$28 MILLION, WHICH EQUATES TO A TAX RATE OF JUST LESS THAN 6 CENTS PER \$100 OF ASSESSED VALUATION. COUNTY TAXES IN THE NEIGHBORHOOD OF \$8 MILLION AND THAT EQUATES TO PROPERTY TAX RATE OF ABOUT \$1.3 MILLION ARE GOING INTO THE SOURCES OF FUNDS AVAILABLE FOR COMMUNITY HEALTH. SO WE ARE PAYING FOR COMMUNITY HEALTH NOW. WITH PROPERTY TAXES. WE ARE ALSO PAYING FOR COMMUNITY HEALTH WITH MEDICARE AND MEDICAID REVENUES THAT ARE PAID TO OUR CLINICS, PAID TO OUR HOSPITALS, TO HELP SUSTAIN OUR SYSTEM. WE ARE ALSO PAYING FOR THIS BY THE ABSORPTION OF UNCOMPENSATED CARE BY OUR HOSPITAL SYSTEMS AND OTHER PROVIDERS. THIS IS A VERY LARGE NUMBER. AND ONE THAT HAS ESCALATED AT ABOUT -- IT HAS JUST ABOUT TRIPLED OVER THE LAST FIVE YEARS. IT'S A STARTLING NUMBER. WE -- FINALLY, ALL OF US WHO HAVE HEALTH INSURANCE PRODUCTS ARE PAYING FOR THE COMMUNITY HEALTH SYSTEM AND RATES FOR INSURANCE THAT ARE HIGHER THAN THEY WOULD OTHERWISE BE. THERE'S SOME NUMBERS THAT WE HAVE SEEN THAT WOULD INDICATE THAT -- THAT WE HAVE SEEN THAT WOULD INDICATE THAT THE AVERAGE PREMIUM RATE FOR A FAMILY OF FOUR IN CENTRAL TEXAS IS IN THE RANGE OF \$7,000 PER YEAR. AND THAT INCLUDES A HIGH DEDUCTIBLE AND SEVERAL OTHER

CARVEOUTS FROM COVERAGE. YOU CAN SEE THAT WITH THE \$7,000 A YEAR PREMIUM, WHY IT IS THAT IT'S -- THAT WE HAVE A 25% UNINSURED RATE IN CENTRAL TEXAS AND THAT'S MORE OR LESS THE UNINSURED RATE THROUGHOUT THE STATE. WHICH BY THE WAY IS THE HIGHEST UNINSURED RATE IN THE COUNTRY.

WOULD LIKE TO SAY ONE WORD, I'M GUY HERMAN. IN LOOKING AT THAT THAT WAS A NUMBER THAT WAS TOTALLY UNAWARE OF WHEN I STARTED GETTING INVOLVED IN THIS PROCESS. THAT'S A NUMBER ALSO STUDIED BY THE CHAMBER OF COMMERCE ON A NATIONWIDE STUDY THEY DID SEVERAL YEARS AGO. ONE OF THE INTERESTING FACETS OF THE STUDY IS IN DALLAS COUNTY, WHICH HAS A HOSPITAL DISTRICT, HARRIS COUNTY WHICH HAS A HOSPITAL DISTRICT, THAT SAME PACKAGE, THE EMPLOYER CONTRIBUTION AND EMPLOYEE CONTRIBUTION WHICH IS YOUR DEDUCTIBLES IS \$4,300 IN DALLAS AND I THINK 4350 IN HOUSTON. I ASKED AN INSURANCE BROKER RECENTLY WHY IS OURS THE HIGHEST IN THE STATE. WHY IS OUR INSURANCE RATES THE HIGHEST IN THE STATE. HE SAYS YOU DON'T HAVE A HOSPITAL DISTRICT AND WHAT'S HAPPENING IS THAT THE PRIVATE PROVIDERS ARE HAVING TO TAKE UP SO MUCH OF THE INDIGENT CARE THAT THEY ARE PASSING IT ON TO THE INSURANCE COMPANIES WHO IN TURN ARE PASSING IT BACK ON TO THE EMPLOYERS WHO HAVE TO PASS SOME OF THAT ON TO THE EMPLOYEES. SO IT IS A REAL SERIOUS PROBLEM AND WE ARE GETTING HIT IN A NON-TAX-WISE WAY FOR THOSE OF US THE 35% THAT ARE INSURED.

I THINK PEOPLE HAVE A PERCEPTION THAT THE UNINSURED ARE FOLKS THAT HAVE JUST COME TO TOWN OR PEOPLE WHO ARE IN POVERTY, BUT ONE-HALF OF THE UNINSURED ARE EMPLOYED AND DO NOT HAVE HEALTH INSURANCE.

THANK YOU. GETTING BACK TO THE PRESENTATION, WE WERE TALKING ABOUT HOW WE PAY FOR COMMUNITY HEALTH. THE PUBLIC PART OF COMMUNITY HEALTH AT PRESENT IS ADMINISTERED IN THE DUAL SYSTEM. WE HAVE PEOPLE INVOLVED IN IT WITH THE CITY. WE HAVE PEOPLE INVOLVED IN IT WITH THE COUNTY. MANAGEMENT PEOPLE, AS WELL AS PEOPLE WHO ACTUALLY FUNCTION IN THE CARE

SYSTEM ITSELF. IT'S FAIRLY OBVIOUS TO US AS WE HAVE LOOKED AT IT THAT NOT ONLY THE COMMUNITY HEALTH SYSTEM BUT OUR GENERAL HEALTH CARE SYSTEM IS IN THE PROCESS OF FAILURE. THE BOTTOM LINE DIAGNOSIS THAT OUR GROUP REACHED WAS THAT IT HAS, IT IS IN THE PROCESS OF PRICING ITSELF OUT OF THE MARKET. AS HEALTH INSURANCE PREMIUMS RISE, MORE AND MORE PEOPLE FALL OUT OF THE SYSTEM. PROVIDERS HAVE TO INCREASE PRICES IN ORDER TO SUBSIDIZE THE CARE THAT THEY PROVIDE FOR THOSE WHO HAVE FALLEN OUT OF THE SYSTEM. AND WE HAVE FEWER AND FEWER PEOPLE WHO ARE TRULY PAYING PATIENTS AND MORE AND MORE PEOPLE WHO ARE JOINING THE 25% RANKS. SOME OF THE INDITIA OF THE FAILURE THAT WE SEE, LOOKING AT EMERGENCY ROOMS AND HOSPITALS AROUND OUR COMMUNITY, WE SEE EMERGENCY ROOM INCREASING AT THE RATE OF ABOUT 8% PER YEAR, WHICH MEANS THAT IT'S -- IT'S ALMOST TRIPLED IN THE LAST 10 YEARS. WE SEE SOMEWHERE BETWEEN 25 AND 50% OF THE PEOPLE WHO ARE IN HOSPITAL EMERGENCY ROOMS. WHO REALLY DON'T NEED TO BE IN THE EMERGENCY ROOM. THEY DO NOT HAVE A MEDICAL CONDITION OR SITUATION THAT REQUIRES TREATMENT BY THE EMERGENCY ROOM. THEY SIMPLY HAVE NOWHERE ELSE TO GO. WE HAVE SOMEWHERE BETWEEN 25 AND 50% DEPENDING UPON THE HOSPITAL OF THE PEOPLE AND HOSPITAL EMERGENCY ROOMS THAT CANNOT PAY FOR THE CARE. THEY HAVE NO INSURANCE OF ANY KIND. AND THAT CARE IS IN ESSENCE BEING PAID FOR EITHER OUT OF THE PROVIDERS OR BY THE PUBLIC SUBSIDY THAT'S BEING PROVIDED CURRENTLY UNDER THE VARIOUS ARRANGEMENTS THAT WE HAVE, INCLUDING THE SETON LEASE. OUR COMMUNITY BASED ON THE AMERICAN COLLEGE OF SURGEON STANDARDS IS 73 EMERGENCY ROOMS SHORT. AT THE PROJECTED RATE, EVEN THOUGH THOSE EMERGENCY ROOMS ARE PLANNED TO BE CONSTRUCTED OVER THE NEXT SEVERAL YEARS, BY THE TIME WE CONSTRUCT THEM WE WILL ACTUALLY BE 75 EMERGENCY ROOMS SHORT. WE ARE FOUR TRAUMA CRASH ROOMS SHORT AT BRACKENRIDGE HOSPITAL BASED ON THOSE SAME STANDARDS WITH NO ROOM TO ADD THEM UNTIL 2007 WHEN THE CHILDREN'S HOSPITAL MOVES TO THE OLD MUELLER AIRPORT SITE. WE ARE HAVING TO -- TO PAY --

WHICH I SAY WE, UNDER THE CURRENT CITY LEASE, THE CITY PAYS A SUBSTANTIAL AMOUNT OF MONEY TO SETON, WHICH SETON THEN ADDS TO WITH ITS OWN SUBSIDY SO THAT WE CAN HAVE THE RIGHT SPECIALTY CARE. IT COSTS MILLIONS OF DOLLARS SO THAT WE CAN HAVE NEUROSURGICAL COVERAGE, ORTHOPEDIC COVERAGE, ANESTHESIOLOGY COVERAGE AT THAT HOSPITAL 24/7 WHICH OF COURSE THE COMMUNITY HAS GOT TO HAVE IF WE ARE GOING TO BE THE KIND OF REGIONAL TRAUMA CENTER THAT WE ARE SET UP TO BE. LOOKING AT OUR CLINICS, THEY ARE OVERCROWDED. NOT ONLY THE 12 CITY AND COUNTY CLINICS, BUT EL BUENO, PEOPLE'S, I KNOW THAT PEOPLE'S IS NO LONGER ABLE TO TAKE IN NEW PATIENTS. THERE'S A LONG WAITING LIST. WE DON'T HAVE EFFECTIVE ACCESS IN YOUR CLINICS AT THIS POINT AND JUDGE HERMAN SPEAKS VERY ELOQUENTLY TO THIS, BUT WE ARE WOEFULLY SHORT IN THE AREA OF BEHAVIORAL HEALTH. NOT ONLY DO WE NOT HAVE AN ADEQUATE SUPPLY OF BED FOR PSYCHIATRIC PURPOSES BUT WE HAVE NO PSYCHIATRIC EMERGENCY ROOM, THIS IS CREATING SERIOUS PROBLEMS THAT I'M SURE THAT YOU HEAR ABOUT FROM POLICE OFFICERS WHO ARE TRYING TO DEAL WITH BEHAVIORAL HEALTH ISSUES AND THE INTERPLAY BETWEEN OUR POLICE OFFICERS WHO HAVE LOTS OF OTHER THINGS TO DO AND THE STAFF AT BRACKENRIDGE IN TERMS OF HOW WE HANDLE FOLKS THAT NEED PSYCHIATRIC CARE AND WHO REALLY HAVE NO PLACE TO FIT IN THE SYSTEM AT THE PRESENT TIME. JUDGE?

WE ARE THE LARGEST METROPOLITAN AREA WITHOUT ANY MENTAL HEALTH BEDS IN THE PUBLIC HOSPITAL OR IN OUR PRIVATE MEDICAL HOSPITAL. WE DO HAVE SHOAL CREEK AND SOME OF OUR PRIVATE PSYCHIATRIC FACILITIES. THE OTHER METROPOLITAN AREAS NOT ONLY HAVE PRIVATE PSYCHIATRIC FACILITIES BUT THEIR PUBLIC HOSPITAL HAS NO HEALTH BASE. WE HAVE NONE. THAT HAS CAUSED IN THE LAST FEW YEARS OUR PEACE OFFICERS, THE CITY OF AUSTIN, TRAVIS COUNTY SHERIFF'S DEPARTMENT OFFICERS, TO -- THAT INTERVENE BECAUSE WE, ALL OF US, YOU AND ME, WE RELY ON THEM TO MAKE THAT INTERVENTION OUT IN THE STREET, OUT IN THE COMMUNITY, WE TELL PEOPLE THAT ARE HAVING, THAT KNOW ABOUT SOME OF THE

MENTAL HEALTH CRISIS, IF YOU BELIEVE THEY WILL CALL SERIOUS HARM TO YOURSELF OR OTHERS CALL 911, OUR OFFICERS GO OUT THERE. WE ARE INTERVENING, WE HAVE NO PLACE TO PUT THEM. OUR OFFICERS HERE IN THE CITY ARE HAVING TO TRANSPORT PEOPLE DOWN TO KERR COUNTY, BEXAR COUNTY, WICHITA FALLS, HOFFMAN COUNTY, THE SAME WITH THE SHERIFF'S DEPARTMENT. DEPENDS ON WHO ENDS UP PICKING UP SOMEBODY WHETHER IT BE IN THE CITY OR OUTSIDE OF THE CITY. WE ARE SPENDING A TREMENDOUS AMOUNT OF DOLLARS SENDING PEOPLE OFF TO OTHER PLACES. THEN ON MANY OCCASIONS THE HOSPITAL THAT HAS THE PERSON SAYS THE FAMILY NEEDS TO COME IN FOR COUNSELING, THE FAMILY IS WORKING HERE, THEY CAN'T AFFORD TO TAKE OFF WORK AND DRIVE TO SAN ANTONIO AND KERRVILLE AND WICHITA FALLS. IT'S JUST NOT AN APPROPRIATE TREATMENT MODEL. OUR JAIL, THE TRAVIS COUNTY JAIL IS THE LARGEST MENTAL HOSPITAL HERE IN TRAVIS COUNTY AT THIS TIME. IT HAS OVER 325 PERSONS THAT ARE MENTALLY ILL THAT ARE IN JAIL. IT'S A PROVEN FACT OF NUMEROUS STUDIES HAVE SHOWN THAT PEOPLE THAT ARE MENTALLY ILL, THAT ARE IN OUR JAIL, SPEND MORE TIME IN JAIL AT A GREATER COST OF THE TAXPAYERS THAN A PERSON CHARGED WITH A SIMILAR CRIME WHO IS NOT MENTALLY ILL, MENTALLY RETARDED. WE ALSO END UP WITH MENTALLY RETARDED PERSONS IN OUR JAIL SITUATION.

THANK YOU. WE COULD GO ON AND ON ABOUT THE -- ABOUT THE OVERBURDENED SYSTEM. BUT I THINK THAT WE NEED TO MOVE ON. I THINK THAT WE HAVE CONCLUDED THAT THE SYSTEM IS OVERBURDENED. IN MANY WAYS IT'S CURRENTLY INADEQUATE AND IF YOU PROJECT OUT THE NEEDS IN THE FUTURE, IT'S CERTAINLY GOING TO BE INADEQUATE. IT IS UNDERFUNDED AND IN OUR JUDGMENT UNFAIRLY FUNDED. ONE OF THE THINGS THAT OUR GROUP, KEEPING IN MIND THE GOALS THAT WE SET FOR OURSELVES TO BEGIN WITH, SOME OF THE FACTS THAT WE JUST TALKED ABOUT, THINK SHOULD BE DONE BY OUR COMMUNITY IS TO CREATE COUNTY-WIDE HOSPITAL DISTRICT. THAT'S NOT THE ONLY THING THAT NEEDS TO BE DONE, BUT THAT'S CERTAINLY ONE THING THAT WE BELIEVE NEEDS TO BE DONE. I WOULD LIKE TO TAKE A MINUTE TO JUST TALK ABOUT WHAT A

HOSPITAL DISTRICT IS GENERALLY. I KNOW MOST OF YOU KNOW, BUT I THINK THAT IT MIGHT BE HELPFUL TO GO BACK OVER THAT AND THEN TO THINK SOME ABOUT HOW THIS PROPOSED HOSPITAL DISTRICT MIGHT WORK AND HOW IT MIGHT WORK SOMEWHAT DIFFERENTLY THAN SOME OTHER HOSPITAL DISTRICTS THAT HAVE ARISEN THROUGHOUT THE STATE. AND AS -- AS WE HAVE DISCUSSED SEVERAL TIMES, WE ALL KNOW THAT CENTRAL TEXAS IS THE ONLY MAJOR METROPOLITAN AREA, AUSTIN TRAVIS COUNTY, THAT DOES NOT HAVE A HOSPITAL DISTRICT OR A MEDICAL SCHOOL. WHEN YOU CREATE A HOSPITAL DISTRICT, BASICALLY YOU WOULD CONSOLIDATE ALL OF THE COMMUNITY HEALTH FUNCTIONS THAT ARE NOW SEPARATELY OPERATED IN THE CITY AND IN THE COUNTY. AND -- INTO ONE NEW AGENCY. THAT AGENCY WOULD BE GOVERNED BY A BOARD OF NINE PEOPLE. FOUR OF WHOM WOULD BE APPEAR POINTED BY THE CITY COUNCIL -- APPOINTED BY THE CITY COUNCIL, THE CITY OF AUSTIN, FOUR OF WHOM WOULD BE APPOINTED BY THE TRAVIS COUNTY COMMISSIONERS COURT, ONE OF WHOM WOULD BE A JOINT PICK BETWEEN THE CITY COUNCIL AND THE TRAVIS COUNTY COMMISSIONERS COURT. THE HOSPITAL DISTRICT WOULD NOT, REPEAT, NOT HAVE INDEPENDENT TAXING AUTHORITY. WHILE THAT BOARD OF MANAGERS WOULD HAVE A BROAD CHARTER AND FLEXIBILITY IN TERMS OF DEVELOPING AN APPROACH TO COMMUNITY HEALTH, ITS BUDGET AND ITS TAX RATE WOULD NEED TO BE APPROVED AND SET BY THE TRAVIS COUNTY COMMISSIONERS COURT, ELECTED OFFICIALS, RESPONSIVE TO THE VOTERS. THE DISTRICT WOULD COLLECT AFTER THE LEVY BY THE COUNTY COMMISSIONERS, ONE COUNTY-WIDE RATE. AN IMPORTANT THING TO UNDERSTAND IS WHEN A DISTRICT IS CREATED, THE CITY BY LAW, BY CONSTITUTION, CAN NO LONGER TAX FOR HEALTH CARE PURPOSES. FOR COMMUNITY HEALTH PURPOSES AND THE COUNTY CAN NO LONGER TAX FOR COMMUNITY HEALTH PURPOSES. YOU HAVE UNENTITY THAT -- ONE ENTITY THAT TAXES AND THAT ENTITY THEN RUNS THE SHOW ON THE COMMUNITY HEALTH ISSUES. SO THE SIXTH -- THE SIX CENTS THAT WE HAVE TALKED ABOUT WOULD COME OUT OF THE CITY BUDGET, OUT OF THE CITY TAX RATE BY LAW. I THINK WE WILL TALK SOME MORE ABOUT THAT IN A MINUTE. SAME THING ON THE COUNTY. A LITTLE LESS THAN 1.3, \$8 MILLION WILL COME

OUT OF THE COUNTY BUDGET. YOU WOULD HAVE A DISTRICT-WIDE TAX. SO THAT EVERYBODY, WHETHER THEY LIVE IN THE CITY AND IN THE COUNTY OR OUTSIDE OF THE CITY AND IN THE COUNTY, WOULD PAY THE SAME TAX RATE FOR HEALTH CARE. IT WOULD BE THE ACCEPTS OF THE STEERING COMMITTEE -- THE SENSE OF THE STEERING COMMITTEE THAT THIS IS APPROPRIATE BECAUSE THE FACILITIES THAT ARE OPERATED ARE AVAILABLE TO EVERYONE IN THE COUNTY. THEY ARE OPEN TO EVERYONE IN THE COUNTY. BRACKENRIDGE HOSPITAL IN PARTICULAR IS AN 11 OR -- IS IT 11 OR 14 COUNTY REGIONAL TRAUMA CENTER. SERVES A BROAD AREA. EACH OF US IN THE COUNTY CERTAINLY HAS A DEEP AND ABIDING INTEREST IN BEING SURE THAT THE TRAUMA AND EMERGENCY CARE AVAILABLE AT BRACKENRIDGE HOSPITAL AND THROUGHOUT OUR COMMUNITY BE FIRST RATE, WELL FINANCED AND PROPERLY OPERATED. THE STEER COMMITTEE WOULD SUGGEST, HAVING NO AUTHORITY WHATSOEVER IN THE MATTER, BUT NEVERTHELESS HAVING WORKED HARD AND SUGGESTS THAT -- THAT THE COMMISSIONERS AND TRUSTEES OF THE DISTRICT WORK TO BE CREATED, CONSIDER ESTABLISHING AN INITIAL RATE THAT IS EQUAL TO THE SAME RATE THAT SOMEONE LIVING IN THE CITY AND IN THE COUNTY IS PAYING NOW. THAT BEING JUST LESS THAN 7.3, THE SUM OF THE 5.9 SOMETHING AND THE 1.3. SO THAT FOR CITY TAXPAYERS, THE EFFECTIVE RATE IS MORE OR LESS THE SAME FOR HEALTH CARE. COUNTY TAXPAYERS WOULD RECEIVE JUST LESS THAN A 6-CENT INCREASE SO THAT THEY WOULD BE BROUGHT UP TO THE SAME RATE THAT CITY TAXPAYERS ARE PAYING FOR HEALTH CARE. THE HOSPITAL DISTRICT UPON CREATION WOULD OWN THE TITLE -- FEE TITLE TO EACH OF BRACKENRIDGE HOSPITAL AND THE WOMEN'S HOSPITAL AND THE 12 CITY AND COUNTY CLINICS. SOME OF THOSE CLINICS I BELIEVE UNDER THE STATUTE THAT WAS PASSED LAST SPRING WOULD ACTUALLY BE LEASED BY THE COUNTY TO THE DISTRICT AND THERE ARE A NUMBER OF KIND OF SUBTLETIES TO IT. BUT THE ESSENCE IS THE DISTRICT WOULD OWN THE TITLE TO THE COMMUNITY HEALTH ASSETS. IT WOULD ALSO ASSUME AND TAKE THAT PROPERTY SUBJECT TO THE SETON LEASE AND THE UTMB CONTRACT. THOSE WOULD NOT CHANGE. THEY WOULD JUST MOVE FROM THE CITY INTO THE DISTRICT. AS I MENTIONED,

THERE ARE SOME DIFFERENCES THAT OUR GROUP WANTS TO DISCUSS WITH YOU BETWEEN THE DISTRICT AS WE PROPOSE IT, SOME OF THEM ARE LEGAL DIFFERENCES AND SOME OF THEM ARE DIFFERENCES IN APPROACH AND SOME OF THOSE DIFFERENCES ARE DRIVEN BY THE FACT OF THE EXISTING LEASES AND SO ON. THE FIRST IMPORTANT POINT TO MAKE IS THAT THE STATUTE THAT WAS PASSED LAST YEAR AT THE URGING OF OUR GROUP AND WORKING IN CONCERT WITH THE CITY AND COUNTY AND OTHERS AND THE LEGISLATURE, ESTABLISHED A 25-CENT CAP, WHICH IS ONE THIRD OF THE CONSTITUTIONAL MAXIMUM CAP. 25 CENTS PER \$100 OF ASSESSED VALUATION AS OPPOSED TO THE 75 CENTS THAT'S SPECIFIED AS THE CAP IN THE CONSTITUTION AND THE 75 CENTS THAT IS THE APPLICABLE CAP FOR EVERY OTHER HOSPITAL DISTRICT IN THE STATE OF WHICH WE ARE AWARE. A SECOND DIFFERENCE IS THAT UNLIKE THE OTHER MAJOR METROPOLITAN DISTRICTS, THOSE DISTRICTS OWN AND OPERATE A LARGE PUBLIC HOSPITAL, IN MOST CASES TWINNED WITH THE MEDICAL SCHOOL. THEY HAVE THOUSANDS OF EMPLOYEES. OUR PROPOSAL WOULD BE TO HAVE A DISTRICT THAT OPERATES AS LITTLE AS POSSIBLE. AND BASICALLY IS AS SPARTAN AS POSSIBLE. THAT DISTRICT, WHILE IT WOULD OWN BRACKENRIDGE HOSPITAL, WOULD HAVE A CONTRACT WITH SETON PURSUANT TO WHICH THE HOSPITAL WOULD BE OPERATED AND SERVICES DELIVERED. IT WOULD HAVE THE CONTRACT WITH UTMB. IT WOULD BASICALLY CONTRACT OUT THE OPERATION OF THE 12 COMMUNITY HEALTH CLINICS AND ANY OTHER OPERATIONS THAT IS UNDERTAKES WITH THIRD PARTIES. THE THEORY HERE THAT WE HAVE DEVELOPED IS ONE OF ACCOUNTABILITY TO TAXPAYERS. IT'S ONE IN WHICH YOU TAKE IN MONEY AS A HOSPITAL DISTRICT AND THAT MONEY INCLUDES NOT JUST PROPERTY TAXES, BUT IT INCLUDES RENT ON THE VARIOUS FACILITIES, SOME OF WHICH IS PAID BY SETON OWNED BRACKENRIDGE, IT INCLUDES A DISPROPORTIONATE OF SHARE MONEY THAT COMES IN FROM THE STATE GOVERNMENT. AND THOSE DOLLARS ARE THEN CONTRACTED OUT TO THIRD PARTY PROVIDERS TO PROVIDE DISCREET HEALTH CARE DELIVERABLES TO WHICH THEY ARE HELD ACCOUNTABLE BY THE TRUSTEES AND BY ALL OF US IN THE COMMUNITY. WE THINK THOSE ARE IMPORTANT DIFFERENCES. AND WE THINK

THOSE WILL BE HELPFUL IN ATTACKING SOME OF THE HEALTH CARE PROBLEMS THAT WE HAVE TALKED ABOUT AND OTHERS THAT EXIST. I WOULD LIKE TO TALK ABOUT SOME OF THE ADVANTAGES THAT WE SEE TO THE CREATION OF THE DISTRICT. OBVIOUSLY IF YOU CREATE A DISTRICT AND YOU TAKE THE 7.3 CENTS TO THE COUNTY LINE, YOU WILL HAVE SOME ADDITIONAL REVENUE. RECENT STUDIES WOULD INDICATE THAT THE -- AFTER ACCOUNTING FOR ADMINISTRATIVE SERVICES, THAT AN ADDITIONAL \$6 MILLION OR SO, APPROXIMATELY, WOULD BE AVAILABLE FOR COMMUNITY HEALTH AS A RESULT OF THE -- OF THE CREATION OF THE DISTRICT AND THE IMPOSITION OF A TAX RATE THAT IS WHAT WE TALKED ABOUT. TAKING THE EXISTING CITY RATE TO THE COUNTY LINE. YOU ACHIEVE TAX EQUITY. WE HAVE TALKED ABOUT THIS, BUT I CAN'T TALK ABOUT IT ENOUGH. WE THINK THAT IT'S IMPORTANT THAT EVERYBODY IN THE CENTRAL TEXAS COMMUNITY WHO HAS ACCESS TO THESE SERVICES PAY THE SAME TAX RATE FOR THOSE SERVICES. THROUGH THE BOARD OF MANAGERS, YOU END UP WITH A SYSTEM OF ACCOUNTABILITY. WE THINK THAT THE -- THAT THE ASPECT OF THE BOARD OF MANAGERS, CERTAIN ASPECTS OF THE BOARD ARE VERY IMPORTANT. WE THINK THAT BOARD NEEDS TO BE INDEPENDENT OF OUR MAJOR HEALTH CARE PROVIDERS. BECAUSE THE WHOLE CONCEPT OF THE SYSTEM IS THAT THESE PEOPLE WILL BE OVERSEEING A BUDGET THAT INCLUDES PUBLIC TAX DOLLARS THAT ARE BEING PAID TO PRIVATE PROVIDERS TO PROVIDE SERVICES. AND IT IS IMPORTANT THAT THAT BOARD BE COMPOSED OF PEOPLE WHO ARE INDEPENDENT OF THE PROVIDERS, BUT WHO HAVE BALANCE, CERTAINLY REPRESENTATIVE OF OUR COMMUNITY, BUT THE BALANCE TO WORK COLLABORATIVELY WITH PEOPLE AND HOLD THEM ACCOUNTABLE AT THE SAME TIME. AND YOUR CHOICE AS TO WHO YOUR REPRESENTATIVES ON THAT BOARD WILL BE WILL BE VERY IMPORTANT. WE BELIEVE THAT THE CONSOLIDATION OF CITY AND COUNTY FUNCTIONS BRINGS EFFICIENCIES, NOT JUST NOW BUT IN THE FUTURE, AS THE PRIMARY HEALTH CARE SYSTEM EXPANDS AS IT MUST IF WE ARE GOING TO TRY TO TAKE PEOPLE OUT OF HOSPITAL EMERGENCY ROOMS WHERE WE HAVE THE MOST EXPENSIVE CARE IN THE WORLD BEING DELIVERED TO

PEOPLE WHO DON'T REALLY NEED TO BE THERE. AND IF WE ARE GOING TO EXPAND THAT SYSTEM, WE HAVE GOT TO OPERATE IT EFFICIENTLY AND SPEND OUR DOLLARS EFFICIENTLY. WE ALSO THINK THAT THE NEW HOSPITAL DISTRICT WOULD BRING VERY HELPFUL TRANSPARENCY TO THE HEALTH CARE PART OF THE BUDGET. RIGHT NOW, THOSE DOLLARS ARE -- ARE INTERTWINED IN A MUCH, MUCH LARGER SET OF BUDGET. THE CITY'S BUDGET AND THE COUNTY BUDGET. BY PUTTING THE ENTIRE HEALTH CARE BUDGET IN ONE PLACE, WE TAKE A VERY IMPORTANT AND POTENTIALLY PROBLEMATIC PART OF OUR PUBLIC HEALTH CARE BUDGET AND WE ISOLATE IT AND WE OFFER IT UP FOR THE ENTIRE WORLD TO SEE. SO THAT THE COMMUNITY CAN LOOK AT HOW MUCH MOPE THEY ARE PAYING FOR HEALTH -- MONEY THEY ARE PAYING FOR HEALTH CARE AND EVALUATE WHETHER THEY ARE GETTING THEIR MONEY'S WORTH IN TERMS OF THE HEALTH CARE DELIVERABLES THAT ARE BEING PROVIDED. WE ALSO THINK THAT IT'S IMPORTANT THAT BY CREATING THE HOSPITAL DISTRICT, WE SET THE STAGE FOR LONG-TERM REGIONAL COLLABORATION. WE THINK THAT THIS IS VERY IMPORTANT. ONE OF THE GOALS THAT WE STATED AT THE OUTSET WAS THAT THESE ISSUES ARE NOT LIMITED TO THE CITY, THEY ARE NOT LIMITED TO TRAVIS COUNTY. THEY ARE REGIONAL. OUR -- OUR REGIONAL TRAUMA CENTER SERVES A NUMBER OF DIFFERENT COUNTIES. AND AT PRESENT UNDER CURRENT LAW PEOPLE WHO COME FROM OTHER COUNTIES AND WHO CANNOT PAY FOR THEIR CARE, OUR PROVIDERS ARE NOT ADEQUATELY COMPENSATED FOR THAT. OTHER COUNTIES HAVE AN INTEREST IN THEIR OWN HEALTH CARE. THEY HAVE AN INTEREST IN BEING SURE THAT EXCELLENT TRAUMA AND EMERGENCY CARE IS AVAILABLE TO THEIR CITIZENS AND WE HAVE GOT TO FIND A WAY TO DEAL WITH THESE ISSUES ON WHAT WE CALL A TEAM BALL BASIS. A REGIONAL BASIS, EFFICIENTLY, DO IT RIGHT ONE TIME AND HAVE EVERYBODY PAY A FAIR AMOUNT FOR WHAT THEIR CITIZENS RECEIVE. FINALLY, WE THINK THAT AN IMPORTANT LONG-TERM GOAL IS TO -- IS TO WORK COLLABORATIVELY THROUGHOUT OUR COMMUNITY TO BRING MORE -- MORE ACADEMIC MEDICINE RESOURCES TO CENTRAL TEXAS. WE THINK THIS MAKES SENSE IN TERMS OF MAKING MORE CARE AVAILABLE, PARTICULARLY TO THOSE WHO ARE NOT

INSURED. WE FELT VERY GOOD ABOUT WHAT THIS COUNCIL DID IN THE UTMB INITIATIVE WITH RESPECT TO THE WOMEN'S CENTER. WE THINK THAT'S A GREAT INITIATIVE AND WE HOPE THAT A HOSPITAL DISTRICT MIGHT FACILITATE MORE OF THAT KIND OF COLLABORATION. I WANT TO END BY -- BY OF COURSE INDICATING THAT THERE'S GOING TO BE AN ELECTION THAT'S BEEN CALLED AS A RESULT OF THE FILING OF A PETITION ON MAY 15th, WITH RESPECT TO A REFERENDUM TO CREATE THE HOSPITAL DISTRICT. THIS GROUP HAS BEEN WORKING VERY HARD. WE HAVE -- WE HAVE GONE OUT AND ELICITED A GOOD DEAL OF SUPPORT. WE HAVE -- THE MATERIALS THAT I HAVE SUBMITTED TO YOU HAVE ATTACHMENTS THAT REFLECT THE CURRENT ENDORSEMENTS THAT WE RECEIVED IN -- OF COURSE WE ARE HERE TODAY ASKING FOR YOUR ENDORSEMENT AND WE -- WE RESPECTFULLY ASK THAT YOU CONSIDER THAT. WE THINK THAT IT'S VERY IMPORTANT THAT THIS REFERENDUM IS -- IS FULLY SUPPORTED BY THE PHYSICIAN AND MEDICAL COMMUNITY. THE TRAVIS COUNTY MEDICAL SOCIETY HAS ENDORSED THE REFERENDUM. OVER 500 PHYSICIANS AND MANY, MANY NURSES THROUGHOUT OUR COMMUNITY HAVE ENDORSED PERSONALLY THE REFERENDUM. MANY ORGANIZATIONS HAVE ENDORSED IT AND THEY ARE LISTED THERE, THE LEAGUE OF WOMEN VOTERS, THE GREATER AUSTIN CHAMBER OF COMMERCE BEING JUST TWO OF THOSE. WE ALSO HAVE RECEIVED A BROAD BASE OF -- OF BUSINESS SUPPORT, NOT ONLY IN TERMS OF PARTICIPATION ON THE STEERING COMMITTEE BUT IN TERMS OF FINANCIAL CONTRIBUTIONS TO THE POLITICAL ACTION COMMITTEE THAT WILL HELP US EDUCATE THE PUBLIC ABOUT THE BENEFITS OF A HOSPITAL DISTRICT. WE FEEL THAT BUSINESSES, EVEN THOUGH WE ARE TALKING ABOUT TAX ISSUES AND THE WORD TAX IS USED, RESPOND TO THE TAX EQUITY ISSUES AND MOST IMPORTANTLY TO THE NEED AND -- IN OUR COMMUNITY TO BE SURE THAT WE HAVE EXCELLENT CARE AND WE SHOULD NOT TAKE IT FOR GRANTED THAT WHEN THAT AMBULANCE PULLS UP TO BRACKENRIDGE HOSPITAL OR ST. DAVID'S HOSPITAL, THAT THERE WILL BE A NEUROSURGEON AND AN ANESTHESIOLOGIST, AND ORTHOPEDIC SURGEON AND ALL OF THE FACILITIES AND ALL OF THE TRAINED TECHNICIANS THAT WE NEED. STATISTICS TELL US THAT IN EACH OF OUR

LIVES, IT IS MORE LIKELY THAN NOT THAT EITHER WE OR A MEMBER OF OUR FAMILY WILL BE IN THAT AMBULANCE SOME DAY IN A CRITICAL SITUATION. AND IT IS IMPERATIVE THAT WE AS A COMMUNITY TAKE RESPONSIBILITY FOR BEING SURE THAT WE DEAL WITH THAT SITUATION AND WE BELIEVE IT NEED TO BE DEALT WITH NOW AND IT NEED TO BE DEALT WITH AS A FIRST STEP BYPASSING THE REFERENDUM ON MAY 15th 15th. WE APPRECIATE THE OPPORTUNITY TO PRESENT TO YOU AND WE WOULD BE DELIGHTED TO TAKE QUESTIONS.

Mayor Wynn: BEFORE WE GO TO QUESTIONS, COUNCIL. MR. HRDRICK YOU DID A GOOD JOB OF OUTLINING HOW THE STEERING COMMITTEE WAS INITIALLY FORMED, THE TASK AT HAND, THE REMARKABLE REALLY IN DEPTH ANALYSIS THAT HAS OCCURRED OVER THE LAST COUPLE OF YEARS. BUT HELP US CLARIFY THAT THIS ALSO ISN'T THE CITY OF AUSTIN AND/OR TRAVIS COUNTY TAKING UNILATERAL ACTION. THERE WAS OBVIOUSLY A SIGNIFICANT LEGISLATIVE COMPONENT TO THIS. IF YOU COULD JUST BRIEFLY DESCRIBE HOW THE TEXAS LEGISLATURE TOOK UP THE ISSUE, UNDERSTAND OUR PARTICULAR CHALLENGE HERE IN CENTRAL TEXAS AND THE -- AND THE RESULTING AND ENABLING LEGISLATION THAT THE TEXAS LEGISLATURE PASSED.

YOU BET. APPRECIATE THE QUESTION. FIRST AS TO THE STEERING COMMITTEE, THAT COMMITTEE WAS ORGANIZED AS A BIPARTISAN GROUP. WE HAVE A NUMBER OF REPUBLICANS, DEMOCRATS, A NUMBER OF PEOPLE WHO HAVEN'T FIGURED OUT WHICH PARTY THEY BELONG TO IF ANY. ALL ARE VITALLY INVOLVED IN THIS ISSUE AND HAVE WORKED HARD. ONE OF THE THINGS THAT WE INCLUDED WHEN WE LOOKED AT THE GOALS, THOUGHT THROUGH WHAT KIND OF A HOSPITAL DISTRICT IT WAS AND WHAT KIND WE NEEDED. IT WAS THAT WE NEEDED LEGISLATION AND WE NEEDED TO IT DEAL WITH A NUMBER OF HE SHOULD. THERE WERE SOME PROBLEMS WITH THE OLD STATUTE IN TERMS OF SPEAKING TO HOSPITALS OWNED BY COUNTIES RATHER THAN HOSPITALS OWNED BY CITIES SUCH AS THE SITUATION THAT WE HAD HERE. WE THOUGHT IN LIGHT OF THE FACT THAT WE WOULD BE PROPOSING A HOSPITAL DISTRICT IN THE CURRENT YEAR, UNDER CURRENT

CIRCUMSTANCES, THAT HAVING A CAP ON THE PROPERTY TAX WOULD BE VERY IMPORTANT TO VOTERS AND VERY IMPORTANT TO TAXPAYERS. AND WE PROPOSED THE CAP OF 25 CENTS IN THE LEGISLATION. WE ALSO HAD ISSUED THAT NEED TO BE WORKED OUT AS TO GOVERNANCE. AUSTIN IS UNIQUE IN THAT THE CITY OWNS THE HOSPITAL. THE CITY HAS AN INTEREST IN MAKING SURE THAT BREAKS HOSPITAL AND THESE -- THAT BRACKENRIDGE HOSPITAL AND THESE OTHER RESOURCES ARE PROPERLY MAINTAINED AND CONTINUED. WE HAVE A LOT OF DISCUSSION ABOUT HOW THE BOARD WOULD BE COMPRISED AND A LOT OF CONSIDERATION WITH MEMBERS OF THE COUNCIL AND WITH THE MEMBERS OF THE COMMISSIONERS COURT, WE WERE ABLE TO WORK OUT I THINK SOMETHING THAT WAS COMFORTABLE FOR EVERYBODY WHERE WE HAD THIS 4, 4 AND 1 ISSUE. WE WENT UP TO THE LEGISLATURE AND PROPOSED SEVERAL PIECES OF LEGISLATION. ONE OF WHICH WOULD HAVE AUTHORIZED THE CREATION OF A MULTI-COUNTY DISTRICT. NOT -- WOULDN'T HAVE BEEN CREATED AS A MULTI-COUNTY DISTRICT ALL IN ONE SHOT. THERE WOULD HAVE NEEDED TO HAVE BEEN AN ELECTION IN THE CITY IN TRAVIS COUNTY FIRST AND THEN FOLLOW ON ADDITIONS TO ADD OTHER CONTIGUOUS PIECES IN OTHER COUNTIES. THAT BILL DID NOT PASS. THE BILL THAT DID PASS LOOKED A LOT LIKE IT. AND WAS ADDED ON TO HOUSE BILL 2292 AND WE FELT ACCOMPLISHED THE BASIC ASPECTS OF THE GOALS THAT WE HAD FOR THE LEGISLATION. IN CONNECTION WITH THE LEGISLATION, WE HAD A LOT OF HELP FROM A NUMBER OF PEOPLE THROUGHOUT THE COMMUNITY, I BELIEVE, AT THE SENATE INTERGOVERNMENTAL AFFAIRS COMMITTEE. WE HAD SOME 65 PEOPLE THROUGHOUT OUR COMMUNITY WHO TESTIFIED IN FAVOR OF THE BILL. INCLUDING MAYOR GARCIA WHY AND COUNCILMEMBER DUNKERLY WHOSE INVOLVEMENT WE VERY MUCH APPRECIATED. DOES THAT ANSWER YOUR QUESTION?

YES, IT DOES. AS PART OF THAT, THE OVERSIGHT AND ANALYSIS, THAT'S ALSO WHEN THE LEGAL REQUIREMENT WAS BROUGHT INTO PLACE IN THE LEGISLATION. FOR EXAMPLE, SHOULD THIS HOSPITAL DISTRICT BE APPROVED BY THE VOTERS THEN THE CITY OF AUSTIN IS REQUIRED TO

IN FACT SORT OF MATHEMATICALLY LOWER THE TAX RATE ACCORDINGLY.

I THINK MANY OF US FELT THAT THE CONSTITUTION ACTUALLY ALREADY REQUIRED THAT. BUT OUT OF AN ABUNDANCE OF CAUTION, IN ORDER TO MAKE IT VERY CLEAR TO THE VOTERS, WE ASKED THAT LANGUAGE BE INSERTED IN THE NEW LEGISLATION THAT WOULD -- THAT WOULD SAY THAT IF THE DISTRICT IS CREATED, THEN THE CITY MUST, IN THE INITIAL YEAR, SUBTRACT FROM ITS OTHERWISE APPLICABLE TAX RATE THAT PART OF THE TAX RATE THAT HAS BEEN USING FOR HEALTH CARE. SAME FOR THE COUNTY. AND THAT THE CITY'S INDEPENDENT AUDITOR AND THE COUNTY AUDITOR ARE REQUIRED TO CERTIFY THAT THAT HAD BEEN DONE WITHIN A CERTAIN PERIOD OF TIME.

Mayor Wynn: THEN LASTLY, A POINT THAT HAD COME UP SEVERAL TIMES OVER THE COURSE OF A COUPLE OF YEARS. ANALYZING THIS, IS THE IDEA OF THEN WHO IN TURN SETS THAT TAX RATE. I HAVE SEEN SOME FOLKS OUT OPINING THAT THIS WOULD CREATE THE OPPORTUNITY FOR NON-ELECTED OFFICIALS TO SET A -- TO SET A PUBLIC TAX AD VALOREM PROPERTY TAX RATE. CAN YOU COMMENTS ON THAT AND HOW THE LEGISLATION MANDATES HOW THAT OCCURS.

I THINK THAT IT'S VERY CLEAR AND -- IN EVERY OTHER HOSPITAL DISTRICT IN THE STATE THAT I'M AWARE OF DOES IT THIS WAY. THAT WHILE THE BOARD OF MANAGERS HAS LOTS OF FLEXIBILITY AS TO HOW IT WOULD DESIGN ITS SYSTEM, THAT -- THAT BECAUSE OF A SENSITIVITY OF TAXES AND THE EXPENDITURE OF PUBLIC DOLLARS, THAT ELECTED OFFICIALS, THE TRAVIS COUNTY COMMISSIONERS COURT, MUST APPROVE THAT BUDGET AND MUST ACTUALLY SET THE TAX RATE AND LEVY THE TAX. ON A TAX STATEMENT, THERE WILL BE A SEPARATE LINE ITEM FOR THE HOSPITAL DISTRICT TAX. IT WILL BE SEPARATE FROM THE CITY TAX, SEPARATE FROM THE COUNTY TAX. BUT IT'S ACTUALLY LEVIED AS A COUNTY TAX AND THE COUNTY HOMESTEAD EXEMPTIONS WOULD BE APPLICABLE TO IT AS A COUNTY TAX. I THINK THAT'S ANOTHER IMPORTANT POINT, JUDGE,

DID YOU --

THAT'S A BENEFIT TO CITY RESIDENTS. RIGHT NOW UNDER THE SCHEME THAT WE HAVE, WHERE I'M PAYING ROUGHLY 6 CENTS VALUATION TO THE CITY, NO HOMESTEAD EXEMPTION AND I'M PAYING 1.3 CENTS TO THE COUNTY WITH A HOMESTEAD EXEMPTION, NOT ONLY AM I PAYING A HECK OF A LOT MORE THAN PERSONS THAT LIVE OUTSIDE OF THE CITY THAT LIVE IN THE COUNTY, BUT I'M NOT EVEN GETTING THE HOMESTEAD EXEMPTION. ACTUALLY, IF WE RAN THE SAME RATE OUT TO THE COUNTY-WIDE AND HAD A HOSPITAL DISTRICT, THE -- THE HOMESTEAD EXEMPTION THAT THE COUNTY HAS WOULD APPLY, SO A CITY HOMEOWNER OF AN AVERAGE HOME, THEIR TAXES WOULD GO DOWN FROM 134DZ A YEAR FOR HEALTH CARE TO \$110 A YEAR FOR HEALTH CARE.

GOOD POINT. THANK YOU.

FROM \$134 TO 110.

FURTHER COMMENTS OR QUESTIONS OF OUR PANEL, COUNCIL? COUNCILMEMBER MCCRACKEN?

McCracken: I HAVE A QUESTION ABOUT WHAT WOULD BE THE EFFECT ON THE SUBSTANTIAL NUMBER OF AUSTIN RESIDENTS WHO LIVE IN WILLIAMSON COUNTY. AS I UNDERSTAND SOMETIME I GUESS BY THE END OF THIS DECADE, WILLIAMSON COUNTY'S LARGEST CITY WILL BE AUSTIN.

RIGHT NOW THERE'S A SMALL PIECE OF THE CITY THAT IS IN WILLIAMSON COUNTY. AND THE IMPACT OF CREATING A HOSPITAL DISTRICT AND REDUCTION OF THE CITY TAX IS THAT THOSE PEOPLE WILL ACTUALLY RECEIVE A SUBSTANTIAL BENEFIT BECAUSE THEIR CITY TAX WILL BE LOWERED BY A LITTLE LESS THAN SIX CENTS, BUT THEY WILL NOT BE IN THE HOSPITAL DISTRICT AND THUS SUBJECT TO THE COUNTY-WIDE TAX BECAUSE IT WILL ONLY INCLUDE PEOPLE IN TRAVIS COUNTY.

THAT'S A RELATIVELY SMALL NUMBER OF PEOPLE, I BELIEVE.

IS THERE SOME PROVISION FOR THAT CHANGE BECAUSE THAT'S ONE OF OUR FASTEST --

I DON'T BELIEVE THAT THERE'S ANY PROVISION THAT WOULD ENABLE THE DISTRICT TO LEVY A TAX ON ANYONE LIVING OUTSIDE OF TRAVIS COUNTY. BECAUSE IT'S A TRAVIS COUNTY HOSPITAL DISTRICT. I WILL TELL YOU THAT ONE OF THE GOALS WILL SET, THIS IS SOMETHING THAT THE DISTRICT WOULD NEED TO CONSIDER OR DECIDE OR DECIDE NOT TO PURSUE, BUT WE THINK THAT IT IS IMPORTANT THAT IF THE DISTRICT IS CREATED THE STEPS BE IMMEDIATELY IMPLEMENTED TO SEEK LEGISLATION AS WELL AS REGIONAL COLLABORATION SO THAT WE BRING SOME SORT OF REGIONAL PLANNING AND TAX BASE TO THIS EFFORT. THERE ARE ANY NUMBER OF WAYS TO DO IT. CERTAINLY AND -- MY PERSONAL JUDGMENT, THE BEST WAY TO DO IT WOULD BE TO HAVE A MULTI-COUNTY DISTRICT WHERE MOST OF THE COUNTIES THAT ARE SERVED BY BRACKENRIDGE ARE ALL PART OF THE PLANNING AND ALL PART OF PAYING A TAX IN ORDER TO SUSTAIN THE QUALITY OF CARE THAT WE ALL BENEFIT FROM. THERE ARE OTHER WAYS TO DO IT. OTHER COUNTIES COULD CREATE THEIR OWN HOSPITAL DISTRICTS THAT COULD ACT IN CONCERT WITH OTHERS, THAT COULD INCLUDE SOME SUBSIDIZEIZATION OF ASPECT OF WHAT HAPPENED TO BRACKENRIDGE OR OTHER HOSPITALS WITHIN OUR COMMUNITY. INDIVIDUALS COUNTIES THEMSELVES WITH OR WITHOUT A HOSPITAL DISTRICT COULD ENTER INTO INTERLOCAL AGREEMENTS. THERE ARE ANY NUMBER OF WAYS TO PLAY TEAM BALL THROUGHOUT THE REGION. IT IS IMPORTANT THAT THAT BE DONE. I THINK IT WOULD BE UNLIKELY THAT THINGS ARE GOING TO HAPPEN IN A HURRY. CURRENT LAW DOESN'T REQUIRE THOSE OTHER COUNTIES TO PARTICIPATE AS FULLY AS THEY SHOULD. FRANKLY. IN THESE EXPENSES. AND IN -- A LOT WHAT WAS HAS TO BE DONE IS GOING INTO THOSE OTHER COUNTIES AND TALKING TO THEM ABOUT THEIR HEALTH CARE ISSUES AND FINDING SOLUTIONS THAT HELP THEM SOLVE THEIR PROBLEMS AT THE SAME TIME THAT THEY ARE HELPING US SOLVE OURS. THAT'S WHAT TEAM BALL MEANS TO US. THAT'S WHAT PLAYING ON A -- PLANNING ON A REGIONAL BASIS MEANS AND THAT'S WHAT WE MEAN TO DO.

McCracken: ARE YOU ALL AWARE OF -- I BELIEVE THE CITY OF DALLAS IS LOCATED IN MORE THAN DALLAS COUNTY. DO ONLY DALLAS COUNTY TAXPAYERS PAY FOR THE -- FOR THE I GUESS THE [INDISCERNIBLE] IN THAT COMMUNITY?

THERE ARE SOME WAYS FOR THOSE FOLKS TO END UP UTILIZING THE SYSTEM. EVERY COUNTY DOES IT A LITTLE BIT DIFFERENTLY. I KNOW THERE'S A SUBURB THAT'S OUTSIDE OF DALLAS COUNTY THAT CONTRACTS WITH THE DALLAS COUNTY HIRGHT TO PROVIDE SERVICES -- HOSPITAL DISTRICT TO PROVIDE SERVICES BECAUSE THEIR COUNTY DOESN'T HAVE A HOSPITAL DISTRICT. IN FACT, THERE'S A MECHANISM WHERE AS CLARK MENTIONED THERE CAN BE A HOSPITAL DISTRICT, YOU DON'T EVEN HAVE TO HAVE A WHOLE COUNTY IN THE HOSPITAL DISTRICT. THERE IS A MECHANISM TO COME BACK IN AND TO HAVE THAT PORTION OF THE CITY OF AUSTIN SAY WE WANT TO BE PART OF THAT HOSPITAL DISTRICT -- WE WANT TO HAVE A HOSPITAL DISTRICT, THEN JOIN FORCES, THERE'S A PETITION WAY TO DO THAT. BUT OUR GENERAL PLAN WAS WE THOUGHT WE OUGHT TO GO BACK TO THE LEGISLATURE ON SEVERAL DIFFERENT LEVELS AND TRY TO GET SOME CHANGES IN THE LAW. THAT WOULD FACILITATE NOT ONLY HERE BUT ACTUALLY OTHER PLACES. BECAUSE OTHER COMMUNITIES HAVE A SIMILAR PROBLEM ABOUT THE OTHER COUNTIES USING AND PAYING UNDER THE STATE INDIGENT HEALTH CARE ACT. WHICH THE STATE SAYS THAT'S A FAIR NUMBER AND THAT'S A FAIR SYSTEM. I DON'T AGREE WITH THAT. I'M NOT THE STATE MAKING UP THE RULES. BUT I THINK THAT WE SHOULD BE JOINING OTHER HOSPITAL DISTRICTS, TALKING TO THE LEGISLATORS, TALKING ABOUT A TWO TIERED SYSTEM, ONE THAT THE URBAN COUNTIES WITH HOSPITALS PAY, THEN A SYSTEM FOR ALL OTHER COUNTIES, MAYBE THERE OUGHT TO BE A THREE TIERED SYSTEM, ONE FOR POOR COUNTIES, SUBURBAN COUNTIES THAT AREN'T POOR AND ONE FOR COUNTIES THAT HAVE THE FACILITIES IN THEM. BUT IT'S GOING TO TAKE, YOU KNOW, POLITICAL ACTION, WHICH RIGHT NOW WE DON'T HAVE A HOSPITAL DISTRICT. WE CAN GET LEFT OUT OF A LOT OF THINGS. WE ALMOST DIDN'T GET INTO THE TOBACCO SETTLEMENT UNTIL SOMEONE SNAPPED TO WE DON'T HAVE A HOSPITAL DISTRICT WHERE MOAPS ARE GOING TO GO, BUT WE HAVE A

HOSPITAL. SO WE ENDED UP GETTING SOME MONEY, WE NEEDED TO TEAM UP WITH OTHER HOSPITAL DISTRICT IN THE FUTURE.

JUDGE, I THINK THAT YOU MENTIONED THAT THERE IS A PROVISION FOR A MULTI-COUNTY CITY LIKE AUSTIN IS FOR THE PORTIONS OF THE CITY AND ANOTHER COUNTY TO BE BROUGHT INTO THE DISTRICT. SO IS THAT SOMETHING THAT WE HAVE TO GO TO THE LEGISLATURE TO GET DONE? WE PROBABLY WANT TO CHANGE THE LEGISLATURE. ONE OF THE PROBLEMS THAT EXISTS UNDER THAT STATUTE THAT I MENTIONED IS THAT YOU END UP WITH AN ELECTED BOARD. AND WE THOUGHT LONG AND HARD ABOUT WHICH DIRECTION TO GO. WE DECIDED THAT WE WOULD RATHER BE UNDER THE COUNTY GOVERNMENT MODEL, WHICH IS ALL THE BIG CITIES ARE UNDER, THIS 281 MODEL WHERE YOU HAVE THE COMMISSIONERS COURT SETTING THE TAX RATE AND APPROVING THE BUDGET, RATHER THAN HAVING AN INDEPENDENT STAND ALONE TAXING AUTHORITY UNDER 286. WE WOULD HOPE TO GO, OUR IDEA, GO OVER TO THE LEGISLATURE AND DO SOME CHANGING IN THE STATUTE SO WE CAN GET, YOU KNOW, GROW AS WE GROW OUT. TO GET INTO THOSE -- MAYBE CHANGE THE COMPENSATION MECHANISM TO WHERE THEY ARE GOING TO SAY IT'S TO OUR BENEFIT TO JOIN RATHER THAN THE RATES SET BY THE STATE. I WOULD ALSO NOTE, WE HAVE IN TERMS OF -- OF OUR SUPPORTERS, WE HAVE THE AUSTIN POLICE ASSOCIATION, THE AUSTIN FIREFIGHTERS ASSOCIATION, THE AUSTIN TRAVIS COUNTY E.M.S. ASSOCIATION, THE AUSTIN INTERURBAN LEAGUE BOARD, HISPANIC CHAMBER OF COMMERCE, WE ARE PICKING UP ENDORSEMENTS ON A DAILY BASIS WHERE -- WHERE EDUCATING FOLKS THROUGHOUT THE COMMUNITY, NORTH, SOUTH, EAST, WEST, WE ARE GOING ANYWHERE AND PUTTING ON PRESENTATIONS LIKE WE HAVE DONE TODAY. WE HAD A SLIDE SHOW PRESENTATIONS, WE ARE REALLY TRYING TO -- TO GET THE PUBLIC INVOLVED AND READY TO GO ON THIS ELECTION ON MAY 15th.

Mayor Wynn: FURTHER QUESTIONS OF THE PANELISTS, COUNCIL? COUNCILMEMBER SLUSHER?

Slusher: TELL ME HOW -- IF I'M AN UNINSURED PERSON, ONE

OF THE 25% IN TRAVIS COUNTY, HOW WOULD -- HOW WOULD LIFE CHANGE FOR THAT PERSON ONCE THE HOSPITAL DISTRICT IS IN PLACE?

THE HOPE IS THAT ADDITIONAL FUNDS WILL BE AVAILABLE AS A RESULT OF THE CREATION OF THE HOSPITAL DISTRICT TO EXPAND OUR PRIMARY CARE SYSTEM. BOTH IN TERMS OF HOURS AND THE CAPABILITIES IN TERMS OF THE NUMBER OF PERSONNEL THAT ARE IN THEM. SO THAT I MEAN IF YOU LOOKED AT THIS SITUATION AND PARTICULARLY IN LIGHT OF THE FENTRESS COUNTY THAT OUR HOSPITALS ARE LEASED, THE CITY AND COUNTY DON'T OPERATE THEM, THE DISTRICT WOULDN'T. SO IF PART OF THE PROBLEM IS EXPANDING THE HOSPITALS AND BUILDING MORE EMERGENCY ROOMS, THAT'S NOT SOMETHING THAT THE HOSPITAL DISTRICT DOES. THAT'S SOMETHING THAT SETON AND ST. DAVID'S AND THE OTHER PROVIDERS DO. IT WOULD BE OUR THOUGHT THAT ADDITIONAL REVENUES -- THERE ARE A LOT OF THINGS THAT NEED TO BE DONE WITH THOSE DOLLARS, BUT IF YOU COULD PICK ONE THING, IT'S TO TRY TO EXPAND THE AVAILABILITY OF PRIMARY CARE TO MAKE IT MORE AVAILABLE CLOSER TO WHERE PEOPLE LIVE SO THAT THOSE PEOPLE WHO DON'T NEED TO BE IN A HOSPITAL EMERGENCY ROOM CAN BE TREATED MORE QUICKLY AND MORE EFFICIENTLY AND FROM THE TAXPAYERS' STANDPOINT LESS EXPENSIVELY IN AN EFFECTIVE PRIMARY HEALTH CARE CLINIC. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

WHEN I GO TO THE EMERGENCY ROOM WITH MY SERIOUS INJURY, I'M THERE WITH PEOPLE THAT MAY HAVE AN EARACHE OR MAY HAVE SOME OTHER PROBLEM. IT'S NOT AS SERIOUS AS MINE, YET THEY'RE OVER THERE BECAUSE IT'S A LAST RESORT. WE'VE GOT MANY FAMILIES BECAUSE OF THE HOURS OF THE CLINIC. SOME FAMILIES CAN'T TAKE OFF WORK. THEY DON'T HAVE JOBS WHERE THEY HAVE THE ABILITY TO TAKE OFF. THEY MIGHT LOSE THEIR JOB. AND THEY GET HOME AND IF THEY ONLY HAVE ONE JOB, THEY HAVE A SECOND JOB, THEY HAVE A SICK CHILD, THAT CHILD DOESN'T GET TO GO TO THE CLINIC BECAUSE OF THE SITUATIONS. WE HAVE SOME CLINICS IN TOWN THAT HAVE EXPANDED THEIR HOURS, BUT NOT ALL OUR CLINICS HAVE WEEKEND SERVICE. THOSE KIDS ARE EITHER SENT TO THE

SCHOOL SICK OR ASKED TO TAKE OFF WORK TO TAKE THAT CHILD OVER TO THE PRIMARY CLINIC AND THE CHILD MISSES SCHOOL, WHICH IS NOT GOOD FOR THE CHILD. THE SCHOOL MISSES MONEY BECAUSE THE CHILD'S NOT THERE. AND THAT'S JUST ONE AREA THAT WE CAN WORK ON IN TERMS OF THE PRIMARY CLINICS.

Slusher: I WANTED OUR FINANCIAL DIRECTOR TO DISCUSS A LITTLE BIT ABOUT THE BRACKENRIDGE SITUATION AND HOW WE ANTICIPATE THAT OCCURRING. ANY OF YOU THREE GENTLEMEN WANT TO COMMENT ON THAT FIRST? I'D APPRECIATE IT.

I'M SORRY THAT HIS HONOR WAS TALKING TO ME AND I DIDN'T HEAR YOUR QUESTION.

Slusher: ABOUT HOW WE'RE GOING TO DEAL WITH THE BRACKENRIDGE SITUATION. IF YOU WOULD ADDRESS -- YOU ADDRESSED THAT A LITTLE BIT IN YOUR PRESENTATION, BUT HOW YOU ENVISION THAT?

IN TERMS OF THE FINANCES AT BRACKENRIDGE?

Slusher: FACT THAT IT'S A CITY HOSPITAL, WHERE IN MOST COUNTIES THE PUBLIC HOSPITAL IS A COUNTY HOSPITAL.

RIGHT. IT WOULD CONTINUE TO BE LEASED TO SETON. THE CURRENT PROVISIONS OF THE LEASE, WHICH I KNOW YOU ALL UNDERSTAND VERY WELL, WHICH IS VERY COMPLICATED, WOULD CONTINUE. AND THE DISTRICT WOULD BASICALLY ASSUME THE OBLIGATIONS TO MAKE THE PAYMENTS TO SETON THAT SUBSIDIZE CARE FOR UNINSURED PEOPLE AND WHICH SUBSIDIZE THE AVAILABILITY OF SPECIALTY CARE, NEUROSURGERY, ORTHOPEDIC SURGERY AND SO ON. THE DISTRICT WOULD ASSUME THAT AND BE MAKING THOSE PAYMENTS OUT OF THE TAX REVENUES AND RENT PAID TO IT BY --

Slusher: SO THE DISTRICT ASSUMES THE ROLE OF THE CITY AND THE COUNTY CONTINUES?

YES, IT DOES.

Slusher: MR. STEVENSON? HE LEFT.

Futrell: JOHN -- WE'LL DO ANOTHER JOHN WHILE THAT JOHN IS MISSING. WE HAVE MULTIPLE JOHNS HERE.

I DON'T KNOW ANYTHING ABOUT MONEY, BUT I KNOW THE ANSWER TO THAT QUESTION. HERE IS THE FINANCE PERSON.

Futrell: JUST FRAMING THE TRANSITION QUESTIONS ON HOW THE HOSPITAL WILL BE HANDLED, JOHN.

ESSENTIALLY HOW HOSPITAL WILL BE HANDLED IS FIRST OF ALL UNDER THE STATE LAW, THE TITLE TO THE HOSPITAL WILL ACTUALLY PASS TO THE HOSPITAL DISTRICT. AND THEN AT THE SAME TIME THE LEASE THAT THE CITY HAS WITH SETON TO OPERATE THE HOSPITAL WILL AT THE SAME TIME TRANSFER TO THE DISTRICT AND REMAIN IN PLACE. SO THE DISTRICT WILL BECOME THE OWNER OF THE PHYSICAL FACILITY AND WILL ALSO BECOME THE ADMINISTRATOR OF THE LEASE WITH SETON.

Slusher: IS THERE ANY OTHER FINANCIAL TRANSACTION THAT NEEDS OR SHOULD TAKE PLACE THERE?

THE FINANCIAL TRANSACTION THAT WILL TAKE PLACE AS CLARK HAS TALKED ABOUT IS THAT THE MONEY THAT THE CITY NOW RAISES, WE NOW RAISE THROUGH PROPERTY TAX REVENUES. MONEY THAT WE PAY TO SETON FOR THREE SEPARATE PROGRAMS, INCLUDING CHARITY CARE, THE MAP PROGRAM AND SO ON. THE CITY WILL NO LONGER BE ABLE TO TAX TO RAISE MONEY FOR THOSE PURPOSES, AND THAT WILL INSTEAD GO OVER TO THE DISTRICT. THE DISTRICT WILL INHERENT THAT SAME LEASE AND WILL RAISE THE MONEY TO PAY FOR THE PROVISION OF THOSE SERVICES AT BRACKENRIDGE.

Slusher: AS THE MAYOR WAS TALKING ABOUT, THAT GOES BACK TO THE PROVISION IN THE NEW STATE LAW WHERE THE CITY WILL LOWER ITS TAX RATE BY THAT AMOUNT OF WHAT WE CURRENTLY PUT IN HEALTH CARE.

THAT'S CORRECT.

Slusher: OKAY. THAT'S ALL THE QUESTIONS I HAVE. I WOULD JUST NOTE FOR THE RECORD THAT I THINK THE BEST WAY TO DEAL WITH THIS SITUATION -- I MAY NOT HAVE ANY DISAGREEMENT AMONG THE FOLKS HERE ON THE PANEL, BUT TO ME THE BEST WAY TO DEAL WITH THE UNINSURED SITUATION WOULD BE A NATIONAL HEALTH CARE SYSTEM WHERE THE FEDERAL GOVERNMENT STEPS FORWARD LIKE JUST ABOUT EVERY OTHER INDUSTRIALIZED COUNTRY IN THE WORLD. BUT THAT'S NOT GOING TO HAPPEN THAT I CAN SEE. AND SO I THINK THIS IS THE BEST WAY TO DEAL WITH THAT RESPONSIBILITY FOR US TO TAKE RESPONSIBILITY ON A LOCAL LEVEL HERE FOR THE VERY LARGE AMOUNT OF UNINSURED AND FOR MEDICAL CARE IN THIS COMMUNITY. SO I CONGRATULATE ALL OF YOU THAT ARE HERE AND HAVE BEEN WORKING ON THIS EFFORT.

THANK YOU, COUNCILMEMBER. AS I TURNED AROUND, I NOTICED THAT GREG KNAPP, FROM THE TEXAS HOSPITAL ASSOCIATION, WHO IS A MEMBER OF THE STEERING COMMITTEE AND MR. DAVID ESCIMADA, THEY HAVE BEEN VERY VITAL MEMBERS OF THIS AND I WANT TO THANK THEM FOR THEIR SERVICE.

Slusher: THAT'S ALL I HAVE, MAYOR.

Mayor Wynn: THANK YOU. FURTHER QUESTIONS OF THE PANELISTS? COUNCIL -- STAFF, IF NOT, WE HAVE A RELATED ACTION ITEM WHICH SHOWS ON THIS WEEK'S AGENDA AS ITEM NUMBER 32. TECHNICALLY IT'S AN ITEM FROM NOT ONLY COUNCIL -- TECHNICALLY AN ITEM FROM OUR CITY COUNCIL HEALTH SCARE SUBCOMMITTEE. MAYOR PRO TEM GOODMAN, COUNCILMEMBERS DUNKERLEY AND ALVAREZ. AT THIS TIME I'LL RECOGNIZE ONE OF THE MEMBERS TO DISCUSS THEIR ITEM. COUNCILMEMBER DUNKERLEY.

Dunkerley: THANK YOU. ON BEHALF OF ALL OF OUR SUBCOMMITTEE, WE ARE HAPPY TO BRING THIS ITEM FORWARD AND ASK THE COUNCIL TO SUPPORT THE CREATION OF THIS DISTRICT. I THINK THE TWO MAIN ISSUES THAT I SEE THAT THIS WILL HELP WITH IN THE FUTURE IF THE DISTRICT PASSES IS IT WILL BRING EQUITY TO OUR

AREA, WHERE WE WILL HAVE ALL OF OUR COUNTY RESIDENTS PAYING EXACTLY THE SAME TAX RATE FOR A SERVICE THAT'S AVAILABLE TO ALL OF THEM, AS MENTIONED IN THE PRESENTATION TODAY. AND THE SECOND THING IS IN THE LONG RUN I THINK IT WILL HELP PROVIDE BETTER ACCESS FOR CARE AND MORE APPROPRIATE CARE IN APPROPRIATE LOCATIONS THROUGHOUT OUR COMMUNITY. I UNDERSTAND THAT THE OTHER SUBCOMMITTEE MEMBERS WOULD LIKE -- I'LL SEE IF THEY WOULD LIKE TO ADD ANYTHING.

Mayor Wynn: MAYOR PRO TEM?

Goodman: WELL, I THINK WE ALL CONCUR WITH WHAT OUR CHAIR HAS JUST TOLD YOU. WHAT WE COULD DO RIGHT NOW, THOUGH, MAYOR, IS TALK ABOUT THE DIFFERENT WAYS THAT THE CITY SUPPORTS ITS CITIZENRY IN PUBLIC HEALTH CARE AND MEDICAL CARE SO THAT WE CAN -- AS OF COURSE WE'RE BOUND TO COMPLY AND WISH TO COMPLY WITH THE STATE LAW, WE WANT TO ALSO MAKE SURE THAT PEOPLE ARE VERY CLEAR ABOUT WHAT IT IS THAT WE WILL NO LONGER BE DOING AS A CITY OR USING TAXPAYER MONEY FOR. SO I WANT TO MAKE SURE THAT A POTENTIAL FRIENDLY AMENDMENT TO REINFORCE WHAT IS REALLY THE SELLING POINT FOR THIS RESOLUTION AND ACTION FOR THE VOTERS IS ALSO NOT SOMETHING THAT CUTS THE LEGS OUT FROM UNDER THE PUBLIC HEALTH RESPONSIBILITY THAT THE CITY STILL HAS.

Futrell: I THINK ONE WAY WE CAN GET STARTED WITH THAT IS JOHN, CAN YOU COME UP AND TALK ABOUT THAT? AND AS A PRIMER BEFORE WE GET STARTED, THE CITY OF AUSTIN HAS AN UNUSUAL RESPONSIBILITY IN THAT IT OWNS THE HOSPITAL AND THAT IT DOES PRIMARY HEALTH CARE, A FAIRLY EXTENSIVE AMOUNT OF PRIMARY HEALTH CARE THROUGH ITS CLINICS. BUT IT ALSO DOES A VERY TRADITIONAL KIND OF SERVICE, WHICH IS PUBLIC HEALTH. AND THE PUBLIC HEALTH COMPONENT IS DIFFERENT THAN WHAT WE ARE TALKING ABOUT HERE. SO JOHN, IF YOU'LL TALK ABOUT HOW WE'RE TALKING ABOUT HEALTH CARE AND WHAT THAT REDUCTION RELATES TO.

WELL, LET ME PUT IT IN THE CONTEXT OF WHAT WE'VE DONE

ON THE FINANCE SUBCOMMITTEE OF THE TASKFORCE AND SO ON. THE FIRST THING THAT WE DID WAS WE PUT TOGETHER A MODEL OF WHERE WE TRIED TO CAPTURE ALL OF THE SOURCES OF REVENUE THAT WOULD BE AVAILABLE TO THE HOSPITAL DISTRICT, INCLUDING CITY AND COUNTY PROPERTY TAX, AND WHAT THOSE EXPENDITURES WERE GOING FOR. AND WE SPENT A LOT OF TIME WORKING WITH ALL OF THE PEOPLE ON THE CITY'S SIDE AND ON THE COUNTY'S SIDE. TRISH YOUNG IN THE PRIMARY CARE DEPARTMENT AND SO ON. AND WE CAME UP WITH A MODEL THAT WE THINK VERY ACCURATELY REFLECTS THE TOTAL SOURCES AND USES THAT ARE GOING TO BE AVAILABLE TO THE HOSPITAL DISTRICT. THAT INCLUDES ABOUT -- IT INCLUDES CERTAIN GRANT REVENUES, FOR EXAMPLE, THAT ARE AVAILABLE. IT INCLUDES DOES PRO REVENUES THAT ARE AVAILABLE -- DISPRO REVENUES THAT ARE AVAILABLE TO THE CLINIC. AND IT INCLUDES ON THE CITY'S SIDE APPROXIMATELY -- AND I'M SAYING THIS OFF THE TOP OF MY HEAD, ABOUT 26 OR \$27 MILLION IN PROPERTY TAX FUNDED EXPENDITURES. THOSE EXPENDITURES ARE REALLY SPENT FOR FOUR THINGS ESSENTIALLY. ONE IS THE CHARITY CARE PAYMENT THAT WE MAKE TO SETON. ANOTHER ONE IS THE PHYSICIAN SERVICES PAYMENT THAT WE MAKE TO SETON. THE THIRD THING IS THE MAP PROGRAM, AND THAT'S THE LARGEST SINGLE EXPENDITURE COMING FROM THE GENERAL FUND.

Futrell: AND MAP PROGRAM BEING MEDICAL ASSISTANCE PROGRAM.

THAT WHICH HAS BEEN FUNDED OUT OF THE GENERAL FUND, PAID AGAIN TO SETON. AND THEN SOME OTHER SMALLER SERVICES LIKE PHARMACY EXPENSES AND SO ON THAT ARE AGAIN FUNDED IN THE GENERAL FUND THAT GO TO THE CLINIC SYSTEM ULTIMATELY. SO WE'VE CAPTURED ALL OF THOSE EXPENDITURES. NOTHING ELSE THAT'S RELATED TO ENVIRONMENTAL HEALTH OR ANYTHING ELSE THAT'S DONE EITHER IN THE HEALTH DEPARTMENT OR IN ANY OTHER DEPARTMENT. SO WE THINK WE HAVE ACTUALLY -- WE THINK WE ACCURATELY CAPTURED THOSE. AND THEN WE HAVE THE ADDITIONAL STEP OF ASKING A CONSULTANT - - WE HAD A CONSULTANT COME IN AND REVIEW THE MODEL WE PUT TOGETHER AND CONFIRM THAT ESSENTIALLY THE

MODEL WAS CORRECT. I MADE SOME SMALL REVISIONS TO IT, BUT ESSENTIALLY CONFIRMED OUR MODEL THAT WE PUT TOGETHER.

Futrell: SO JOHN, LET ME FRAME THIS QUESTION TO YOU. THE AMENDED LANGUAGE THAT SAYS WHEREAS THE CITY SHALL REDUCE THE AD VALOREM TAX RATE ADOPTED BY THE CITY TO REFLECT THE AMOUNT OF THE DECREASE SPENT FOR HEALTH CARE PURPOSES AS REQUIRED BY STATE LAW, IS THAT LANGUAGE SUFFICIENT TO DELINEATE THAT WE ARE NOT TALKING ABOUT THE TRADITIONAL PUBLIC HEALTH OBLIGATIONS OF THE CITY? RESTAURANT INSPECTIONS AND ENVIRONMENTAL HEALTH AND THE TRADITIONAL PUBLIC HEALTH ASSISTANCE?

YES, CITY MANAGER, I THINK IT IS BECAUSE I THINK WE CAN CLEARLY DEMONSTRATE THROUGH THE MODEL THAT WE'VE PUT TOGETHER THAT IT IS ESSENTIALLY THE EXPENDITURES THAT END UP AS 5.97 CENTS ON THE CITY'S TAX RATE. AND THAT'S THE RATE BY WHICH THE CITY WOULD REDUCE ITS TAX RATE, EVERYTHING ELSE BEING EQUAL.

Mayor Wynn: THANK YOU. SO WITH THAT I GUESS WHAT I NEED TO ASK THE SUBCOMMITTEE, THE MAKERS OF THIS ITEM, WHETHER THEY CONSIDER THAT AS A FRIENDLY AMENDMENT, THAT CLAUSE WHICH CLEARLY THE INTENT OBVIOUSLY OF IT IS TO FOLLOW THE STATE LAW, BUT THE CLAUSE WHEREAS THE CITY SHALL REDUCE THE THE AD VALOREM TAX RATE ADOPTED FOR THE CITY TO REFLECT THE AMOUNT OF THE DECREASE SPENT FOR HEALTH CARE PURPOSES AS REQUIRED BY STATE LAW. MAYOR PRO TEM AGREES AND COUNCILMEMBERS DUNKERLEY AND ALVAREZ?

Dunkerley: MAYBE WE COULD PUT THAT IN THE FORM OF A MOTION THAT WE MOVE APPROVAL WITH THOSE FRIENDLY AMENDMENTS.

Mayor Wynn: GOOD POINT. WE DON'T HAVE A MOTION ON THE TABLE. SO I'LL ENTERTAIN A MOTION ON ITEM NUMBER 32.

Goodman: I WOULD MOVE -- I WOULD ACTUALLY DEFER TO

BETTY AND I'LL SECOND IT.

Dunkerley: OKAY. I'LL JUST REPEAT MY MOTION. MOVE APPROVAL OF THIS ITEM WITH THE FRIENDLY AMENDMENTS INCLUDED.

Goodman: FOR THE YELLOW DRAFT.

Dunkerley: PER THE YELLOW DRAFT.

Mayor Wynn: MOTION IS MADE AND SECONDED.

Slusher: I WOULD LIKE A FRIENDLY AMENDMENT THAT WOULD CLARIFY THAT LAST POINT, WHERE IT SAYS WHEREAS THE CITY SHALL REDUCE THE AD VALOREM TAX RATE ADOPTED FOR THE CITY TO REFLECT THE AMOUNT OF DECREASE SPENT FOR HEALTH CARE PURPOSES. HOW ABOUT ADDING FOR HEALTH CARE -- FOR HEALTH CARE PURPOSES THAT WILL BE ASSUMED BY THE HOSPITAL DISTRICT.

Dunkerley: I'LL ACCEPT THAT.

Mayor Wynn: I SEE HEADS NODDING. SO WE WILL MAKE THAT CHANGE. MS. BROWN, DID YOU CATCH THAT? AND SO COUNCIL, IN ADDITION TO THE FIRST AMENDMENT THAT WE HAVE BEEN DISCUSSING, THERE'S ACTUALLY A CORRESPONDING AMENDMENT IN THE BE IT RESOLVED PORTION THAT ALSO READS THE CITY COUNCIL DIRECTS THE CITY MANAGER TO HAVE THE CITY'S INDEPENDENT AUDITOR VERIFY THAT THE AD VE LOWER RECOMMEND TAX RATE OF THE CITY REFLECTS THE REDUCED HEALTH CARE SPENDING AS REQUIRED BY STATE LAW. AND PERHAPS WE MIGHT NEED TO AMEND THIS SLIGHTLY TO COINCIDE WITH COUNCILMEMBER SLUSHER'S ADDITION. SO IT WOULD READ: HEALTH CARE SPENDING, WITH THE PHRASE THAT WILL BE ZOOMED BY THE HOSPITAL DISTRICT AS REQUIRED BY STATE LAW. THERE'S A MOTION AND A SECOND ON THE TABLE, INCLUDING THE TWO AMENDMENTS CONSIDERED AS FRIENDLY. FURTHER COMMENTS? I WOULD LIKE TO SAY THAT WE WILL BE ASKED, IS THIS THE CITY OF AUSTIN TAKING A POLITICAL POSITION ON AN UPCOMING ELECTION. AND WE OF COURSE ASK OUR ATTORNEYS THAT FRIENDLY,

AND THIS IS NOT -- SPECIFICALLY THIS IS NOT THE CITY STAFF, CITY MANAGER AND HER STAFF TAKING A POSITION, AND IN FACT, SINCE THE STEERING COMMITTEE HAS NOW FORMED A POSITION OF ADVOCACY FOR THIS ELECTION ON MAY 15TH, THE CITY STAFF AND COUNTY STAFF NO LONGER ATTEND THAT HOSPITAL DISTRICT STEERING COMMITTEE MEETING. IT'S ONLY ATTENDED BY ELECTED OFFICIALS AND CITIZEN VOLUNTEERS. SO THIS IS -- THTION US AS -- THIS IS US AS ELECTED OFFICIALS TAKING OUR FORMAL POSITION ADVOCATING FOR THE HOSPITAL DISTRICT VOTE ON SATURDAY, MAY 15TH. MAYOR PRO TEM.

Goodman: THAT'S TRUE, MAYOR. I WISH TO FOLLOW UP WITH ONE MORE THING. IT DOESN'T MEAN THAT WE THE CITY WON'T PARTICIPATE IN A CAMPAIGN, BUT IT DOES MEAN AS CERTAINLY PRIVATE INDIVIDUALS THAT WE CAN. AND THAT THE CITY IS AVAILABLE WITH INFORMATION AND PRESENTATION TO GO OUT IN THE PUBLIC AND FOR EXPLANATIONS OR INFORMATION PRINTEDMENT WE CAN DEFINITELY DO THAT. THAT'S PERFECTLY LEGIT.

Mayor Wynn: WITH THAT, IF WE COULD, CITY MANAGER, COULD WE ADVISE THE CITY ATTORNEY'S OFFICE TO COME UP AND JUST BRIEFLY OUTLINE THAT CONCEPT? THAT IS, THE FACT THAT THE CITY RESOURCES --

A SLIGHTLY SURPRISED JOHN STEINER IS SPEP STEPPING UP TO THE MIKE MICROPHONE. AND YES, WE ARE ASKING YOU. I THINK IT WOULD BE HELPFUL FOR THE PUBLIC TO UNDERSTAND SORT OF WHAT THE RULES ARE WHEN THIS KIND OF AN ISSUE COMES IN FRONT. SO WHAT CAN THE PUBLIC EXPECT WHEN -- FOR POSITION OR FOR INFORMATION FROM THE CITY, FROM INDIVIDUAL COUNCILMEMBERS? CAN YOU GIVE US THE RULES OF ENGAGEMENT?

THE CHARTER DOES PROHIBIT THE CITY FROM USING ANY OF THE RESOURCED IN A POLITICAL CAMPAIGN. STATE LAW PROHIBITS THE USE OF CITY FUNDS FOR POLITICAL ADVERTISING. AND ALSO THE USE OF THE CITY'S INTERNAL MAIL SYSTEMS FOR POLITICAL ADVERTISING. AND SO I THINK THAT WE WON'T BE -- I HOPE THAT WE'LL NOT SEE CITY EMPLOYEES USING ANY OF OUR RESOURCES OR TIME TO

ADVOCATE OR (INDISCERNIBLE) OF A BALLOT MEASURE. INDIVIDUAL CITY EMPLOYEES ON THEIR OWN TIME ARE FREE TO TAKE POSITIONS ON MATTERS OF PUBLIC INTEREST. AND AS ARE COUNCILMEMBERS FREE TO TAKE POLITICAL POSITIONS. AND I WOULD BE SURPRISED IF THAT DIDN'T HAPPEN. AND I THINK THAT'S PROBABLY ABOUT SUMS IT UP. IF THERE'S A QUESTION ABOUT IT, I WOULD BE HAPPY TO TRY TO FIELD IT.

JOHN, IF YOU WOULD, JUST TO ADDRESS THE ISSUE THAT THE MAYOR PRO TEM MENTIONED ABOUT THE CITY RETAINING THE ABILITY TO PROVIDE INFORMATION AND THOSE KIND OF THINGS.

IT'S KIND OF AN UNUSUAL SITUATION SINCE THIS IS NOT A CITY ELECTION. AND GENERALLY WHEN THESE QUESTIONS COME UP, IT'S AN ELECTION THAT IS CALLED BY THE POLITICAL SUBDIVISION THAT'S AN ISSUE. IN THIS CASE IT ANOTHER GOVERNMENTAL ENTITY THAT'S CALLED THE ELECTION, THAT IS THE COUNTY. BUT IT WOULD BE PERMISSIBLE FOR THE CITY TO PROVIDE MATERIALS THAT FACTUALLY EXPLAIN THE REASONS FOR A MEASURE, SO LONG AS THOSE MATERIALS DO NOT ADVOCATE THE PASSAGE OR DEFEAT OF THE MEASURE.

Futrell: AND I THINK WHAT WE WILL BE DOING, IF NOT ALREADY IN THE WORKS, IS ON OUR CITY WEB PAGE WE WILL CREATE A BUTTON, A TOPIC FOR PEOPLE TO GO TO TO GET FACTUAL INFORMATION ABOUT THE TAX RATE, THE DOLLAR AMOUNT, THE PRACTICAL IMPACT, THE TRANSITION, JUST FACTUAL INFORMATION ABOUT WHAT THIS MEANS. AND WHAT YOU WILL SEE THE CITY STAFF WORKING ON ON CITY TIME AND WITH CITY RESOURCES, IT WILL INVOLVE OPERATIONAL OR TRANSITION OR LOW JIS TA KEL ISSUES THAT WOULD BE TIED TO A PASSAGE OF THIS ITEM.

Mayor Wynn: THANK YOU. COUNCIL, WE HAVE A MOTION ON THE TABLE AND A SECOND TO APPROVE ITEM NUMBER 32 AS AMENDED. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF DISEFNSEVEN TO ZERO. THANK YOU VERY MUCH AND THANK YOU TO OUR PANELISTS.

THANK YOU VERY MUCH. WE APPRECIATE YOUR SUPPORT.

Mayor Wynn: COUNCIL, THERE BEING NO MORE DISCUSSION ITEMS PRIOR TO THE 4:00 O'CLOCK TIME CERTAIN ZONING ITEMS, AT THIS TIME WE WILL GO BACK INTO CLOSED SESSION UNDER SECTION 551.074 TO DISCUSS PERSONNEL ITEMS RELATED TO NUMBER 34 PERTAINING TO OUR MUNICIPAL COURT CLERK. WE ARE NOW IN CLOSED SESSION.

Mayor Wynn: COUNCIL, I APOLOGIZE, SINCE WE'VE TAKEN ACTION ON ITEM NUMBER 32 AND ALTHOUGH THERE MAY NOT BE A WILL TO RECONSIDER THAT VOTE, WE HAVE FOUR CITIZENS WHO HAVE SIGNED UP, THREE WISHING TO SPEAK ON THIS ITEM. SO WITHOUT OBJECTION, WITH THERE BEING A QUORUM PRESENT, I WOULD LIKE TO CALL THOSE CITIZENS TO THE MICROPHONE. OUR FIRST SPEAKER WILL BE GAVINO FERNANDEZ. I APOLOGIZE. WELCOME.

THANK YOU, MAYOR. I JUST BASICALLY WANTED TO ANNOUNCE THAT EL CONCILIO AND LULAC COUNCIL WILL BE HOSTING A PUBLIC FORUM IN EAST AUSTIN TO ENTERTAIN PRESENTATIONS BY THE -- FOR THE TRAVIS COUNTY HOSPITAL TAXING DISTRICT ON THURSDAY, APRIL THE 1st, 7:00 P.M. AT METZ ELEMENTARY SCHOOL, LOCATED ON 84 ROBERT MARTINEZ STREET, WHICH WILL BE MODERATED BY THE LEGEND (INDISCERNIBLE), AN ICON WITHIN THE TEJANO MUSIC INDUSTRY. AND FRANCIS MARTINEZ, PRESIDENT OF A LOCAL NEIGHBORHOOD ASSOCIATION AND A FORMER HEALTH EMPLOYEE FOR THE CITY OF AUSTIN. SO WE'D LIKE TO STRONGLY INVITE THE PUBLIC TO ATTEND THIS FORUM TO LEARN AND EDUCATE THEMSELVES ON THE ISSUE. AS HAS BEEN MENTIONED, IT WILL BE ON THE MAY 15TH BALLOT. AND WE AS AN ORGANIZATION HAVE NOT TAKEN A POSITION ON THE ISSUE. WE WANT TO LEARN AND TO EDUCATE OUR COMMUNITY ABOUT -- ON THE ISSUE AND THEN HAVE THEM CONVEY TO US WHAT POSITION WE SHOULD TAKE. THAT IS BASICALLY MY ANNOUNCEMENT.

THANK YOU, MAYOR.

Mayor Wynn: THANK YOU. I APOLOGIZE. I THANK YOU FOR YOUR ORGANIZATION'S EFFORT AT ANALYZING THIS IMPORTANT ISSUE FOR YOUR MEMBERS. SCOTT JOHNSON SIGNED UP NOT WISHING TO SPEAK, IN FAVOR OF ITEM 32. MR. GUY HERMAN HAD SIGNED A A CARD WISHING TO SPEAK, AND HE OF COURSE -- JUDGE GUY HERMAN WAS ONE OF OUR PANELISTS THIS AFTERNOON. JENNIFER GALE? WELCOME. AGAIN, I APOLOGIZE, JENNIFER.

THANK YOU, MAYOR. HI, AUSTIN. COUNCILMEMBERS ALVAREZ, MAYOR GOODMAN AND MS. DUNKERLEY. I'M AN AT LARGE CITYWIDE CANDIDATE FOR THIS MAY 15TH, ALONG WITH THE HOSPITAL DISTRICT AND THE FIRE DEPARTMENT. I'M RUNNING FOR AUSTIN INDEPENDENT SCHOOL DISTRICT FOR AN ELECTION AT LARGE CITYWIDE. I'M JENNIFER GALE. HOW MUCH LESS IS PROJECTED SAVINGS ON A 100,000-DOLLAR EVALUATION? THE CITY MANAGER'S NOT HERE, SO I WON'T BE GETTING THAT ANSWERED. HOW MUCH LESS IS PROJECTED SAVINGS ON THE 100,000? WE'RE HERE TO SAVE MONEY. THAT'S WHY WE'RE CREATING THE HOSPITAL DISTRICT, TO SAVE MONEY. THE HEALTH CARE DISTRICT IS DESCRIBED IN HOUSTON AS COME BER SOME AND EXPENSIVE: HOW WILL THIS AFFECT OUR SERVICES? WE'VE HEARD THAT WE'LL HAVE LESS PEOPLE IN THE EMERGENCY ROOM. THAT'S WONDERFUL. WE HAVE ALREADY HEARD HOW THEY'RE TREATING ALL SORTS OF PATIENTS IN THE EMERGENCY ROOM THAT SHOULD BE TREATED BY A REGULAR PHYSICIAN AT A SCHEDULED TIME. WHY AREN'T THESE HOSPITALS USING THE GALE INITIATIVE, MY ALTERNATIVE METHOD OF PAYMENT, BY PAYING IN MONTHLY DIRECTLY TO THE HOSPITAL? INTO THE HOSPITAL TO BE HELD INTO AN ACCOUNT AT THE HOSPITAL THAT MAY BE USED AT ANY HOSPITAL AS LONG AS THEY PAY IN MONTHLY. A PATIENT SEES A DOCTOR, OPEN TROM MIST OR DENTIST REGULARLY. EACH YEAR THERE BY AVOIDING GETTING SICK OR HAVING ANY OF THE PROBLEMS OF -- THAT OCCUR FROM BECOMING SICK. THERE ARE TOO MANY QUESTIONS TO BE ASKED ON THIS HOSPITAL DISTRICT BEFORE YOU JUMP INTO IT. BECAUSE OF -- WE'RE NOT LOOKING AT THE MODELS OF HOUSTON OR DALLAS. WE'RE CREATING A BRAND NEW ENTITY, LIKE THE CITY OF AUSTIN

OR THE TRAVIS COUNTY OR THE STATE OF TEXAS. TO TAX THE PEOPLE OF AUSTIN THAT ARE NOW LEAVING TRAVIS COUNTY AND AUSTIN BECAUSE THEY CAN NO LONGER AFFORD TO PAY HIGHER TAXES, AND BY CREATING THIS DISTRICT I'M SAYING WE'LL BE CREATING HIGHER TAXES, WE'RE GOING TO HAVE TO SPEND MORE MONEY FOR THOSE SERVICES. WE HAVE AN -- MY ALTERNATIVE WOULD WORK REALLY WELL. SO THAT WE'RE SPENDING LESS IN TAXES AND SO THAT WE'RE NOT SUFFERING. I REALIZE YOU'VE JUST ENDORSED THE HOSPITAL DISTRICT, AND WHEN YOU SAY HOSPITAL DISTRICT, YOU'RE REFERRING TO THE PEOPLE OF AUSTIN AND OF TRAVIS COUNTY. AND I'M SUGGESTING THAT WE NOT -- NOT BRING MORE TAXES TO BEAR ON THE PEOPLE OF TRAVIS COUNTY AND THE PEOPLE OF AUSTIN. THANK YOU. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU, JENNIFER. MR. JOHN COREY? WELCOME, SIR. AGAIN, I APOLOGIZE. YOU WILL HAVE THREE MINUTES. WELCOME.

NO PROBLEM. I WANTED TO TALK THIS MORNING, BUT I DIDN'T REALIZE IT WAS THIS MORNING, ABOUT THE SOLAR ASPECT OF -- THE HOLLY ASPECT OF THE SOLAR ISSUE THAT WAS VOTED ON. I JUST WANT TO BRING A UNIQUE VIEWPOINT AND SAY THANK YOU GUYS FOR PASSING THAT. I REALLY APPRECIATE THAT. WHAT I'D LIKE TO POINT OUT, THOUGH, AS A PERSON WHO LIVES TWO BLOCKS FROM THE PLANT, I HAVE A UNIQUE VIEWPOINT ON IT AND EXPERIENCE. AND FIRST I'D SAY THAT I'D LIKE TO TALK ABOUT THE E.P.A. GUIDELINES WHICH THE PLANT MEETS BECAUSE IT MONITORS ITSELF, AS YOU PROBABLY KNOW. I THINK IT WAS HERE IN THE CITY COUNCIL CHAMBERS THAT WE HEARD OR IT MIGHT HAVE BEEN ON NPR RADIO SHOW OR SOMETHING, AN E.P.A. REPRESENTATIVE SAY THAT THEIR STANDARDS WERE WAY LOW. AND THE REASON THEY HAD TO BE LOW WAS BECAUSE IT WAS IMPRACTICAL FOR THEM TO BE HIGH. AND HE GAVE AN EXAMPLE OF 42nd STREET AND PENNSYLVANIA AVENUE IN NEW YORK CITY. AND BEING FROM NEW YORK, I REMEMBER THAT PLACE BECAUSE I USED TO DRIVE A POST OFFICE TRUCK THROUGH THERE. AND IT HAS SO MANY BUSES AND IT HAS SO MUCH CEMENT WALLS NARROWED TOGETHER IN THAT ONE AREA IS IT'S REALLY HAZARDOUS JUST TO HANG OUT THERE FOR MORE

THAN THREE OR FOUR MINUTES. SO I REALIZE THAT THE E.P.A. GUIDELINES -- I'M JUST TRYING TO INFORM Y'ALL -- ARE SO SCREWED BECAUSE OF PLACES LIKE NEW YORK THEY CAN'T JUST WIPE THEM OFF THE MAP, THEY HAVE TO MAKE THEM SO THOSE GUYS CAN STILL OPERATE. AND THE LAST THING, A GOOD POINT ABOUT IT, IS SOMETIMES I COME HOME, I'M EITHER HAPPY OR SOD, AND -- [PHONE RINGING]. SORRY ABOUT THAT. LET ME SHUT THAT OFF. WHEN I SEE THE WIND BLOWING THE SMOKE TOWARDS MY HOUSE, BECAUSE THEN I KNOW I MAY GET THERE AND I MAY BE ABLE TO SMELL IT MORE INTENSELY BECAUSE THE E.P.A. GUIDELINES FOR THE POWER PLANT ENVISIONS THAT THE SMOKESTACK WILL HAVE -- WILL DISPERSE THE POLLUTION 360 DEGREES AROUND THE TOP OF THE STACK. BUT IN FACT ON CERTAIN DAYS WHEN THE CLOUD COVER IS LOW AND THE WIND IS BLOWING IN A CERTAIN DIRECTION, IT WILL BLOW THAT SMOKE IN A HIGHER CONCENTRATION ON JUST A FEW HOUSES IN A STREAM, IN A FOOTPRINT IN A CERTAIN DIRECTION. SO THIS HAS GOT NOTHING TO DO -- I'M NOT TRYING TO DO ANYTHING BUT JUST INFORM YOU THAT IN REALITY THE -- ANY CAR 17 GENERALIC MATERIAL WHICH IS ALWAYS PRESENT IN -- FROM ANY KIND OF COMBUSTION IS REALLY MORE CONCENTRATED THAN WE MIGHT THINK. AND TO BEGIN WITH OF COURSE, THE GUIDELINES, THE E.P.A. GUIDELINES ARE WAY SKEWED ANYWAY FROM THE GIT-GO. SO WITH THOSE THINGS IN MIND, REMEMBER WE'RE STILL OUT HERE AND WE'RE STILL LABORING UNDER THIS PROBLEM. AND I'D APPRECIATE YOU JUST TO THINK THOSE THINGS OUT. THERE'S ANOTHER -- [BUZZER SOUNDS] THAT'S GOOD ENOUGH. I APPRECIATE YOUR TIME.

Mayor Wynn: THANK YOU, MR. COREY. AND COUNCIL, AGAIN, I APOLOGIZE. WE HAD THESE THREE OR FOUR SPEAKERS SIGNED UP FOR ITEM ITEM NUMBER 32. WE OF COURSE HAVE TAKEN ACTION. AND HEARING NO MOTION TO RECONSIDER THAT ITEM, WE ARE NOW IN CLOSED SESSION AS READ INTO THE RECORD EARLIER. THANK YOU VERY MUCH.

Mayor Wynn: WE ARE OUT OF CLOSED SESSION. IN EXECUTIVE SESSION WE DISCUSSED ITEM NO. 44, PURSUANT TO SECTION 551.074 OF THE OPEN MEETINGS ACT, PERSONNEL MATTERS RELATED TO OUR MUNICIPAL

COURT CLERK. 1, 2, 3, 4, 5, FIVE OF US PRESENT, I'LL ENTERTAIN A MOTION ON ITEM NO. 31. AN ORDINANCE RELATED TO THE PERFORMANCE AND COMPENSATION BENEFITS FOR OUR MUNICIPAL COURT CLERK. MAYOR PRO TEM?

Goodman: I'LL MAKE A MOTION TO CONTINUE THE CURRENT SALARY AND BENEFITS PACKAGE FOR THE MUNICIPAL COURT CLERK WENT WIN.

Mayor Wynn: THANK YOU, I'LL SECOND THAT AS A MEMBER OF THE JUDICIAL COMMITTEE. THIS IS A MOTION AND A SECOND TO APPROVE ACTION ITEM NO. 31. ORDINANCE ESTABLISHING COMPENSATION AND BENEFITS FOR MUNICIPAL COURT CLERK AND REPEALING SECTIONS OF A AND B OF ORDINANCE NUMBER 030927-65 AND AS THE MAYOR PRO TEM POINTED OUT, THE SALARY AND BENEFITS REMAINING AT ITS CURRENT LEVEL.

Slusher: I WOULD MOVE APPROVAL.

Mayor Wynn: ACTUALLY WE HAVE A MOTION AND A SECOND NOW. THANK YOU COUNCILMEMBER SLUSHER. FURTHER COMMENTS? [LAUGHTER] HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU, COUNCIL. AT THIS TIME --

Goodman: MAYOR, I WOULD BE GLAD TO DEFER IF THAT'S LEGALLY POSSIBLE THE MOTION TO COUNCILMEMBER SLUSHER.

Mayor Wynn: SURE. [LAUGHTER] AT MS. BROWN'S PLEASURE. AT THIS TIME, COUNCIL WILL TAKE UP -- WE'LL TAKE UP OUR 4:00 ZONING CASES, I APOLOGIZE TO THE AUDIENCE AND APPRECIATE YOUR PATIENCE. WITH THAT I WILL RECOGNIZE MS. ALICE GLASGO. GLASGOW GOOD AFTERNOON, MAYOR AND COUNCILMEMBERS, ALES LESSALABAMA LESS GLASGO. WE WILL START OFF WITH THOSE CASES WHERE THE PUBLIC HEARING HAS BEEN CLOSED AND THEN WE WILL PROCEED

TO THE PUBLIC HEARING ITEMS. ITEM NO. 49 IS C14-03-182, THE ASIAN MARKET. LOCATED AT 901 WEST BRAKER LANE, THE CHANGE IN ZONING IS FROM GENERAL OFFICE TO COMMUNITY COMMERCIAL ZONING, G.R.-C.O., THIS CASE IS READY FOR SECOND AND THIRD READINGS. ITEM NO. 50, C14-03-167, GUADALUPE STREET LOTS OF, LOCATED AT 4525 GUADALUPE STREET. THE APPLICANT IS REQUESTING A POSTPONEMENT TO APRIL THE 15th IN ORDER TO CONTINUE FINALIZING AN AGREEMENT WITH THE NEIGHBORHOOD. ITEM NO. 59, C14-03-165, SHAD ZONING CASE AT 3206 WEST SLAUGHTER LANE. MY UNDERSTANDING IS THAT THE APPLICANT WOULD LIKE TO HAVE THIS PROCEED ON SECOND READING ONLY UNLESS COUNCIL WANTS TO DISCUSS THE ITEM. SHE CAN CONTINUE TO NEGOTIATE WITH THE WATERSHED DEPARTMENT STAFF. ITEM NO. 52, C 14-02 CASH 154, SECOND READING ONLY FOR PROPERTY LOCATED AT WINDY RIDGE ROAD AT F.M. 620. THE ORDINANCE IS READY AS APPROVED ON FIRST READING AND READY FOR YOUR APPROVAL. THAT CONCLUDES -- I DID SAY THAT. SECOND --

ITEM NO. 52 IS READY FOR SECOND READING ONLY PER STAFF --

Glasgo: PER YOUR APPROVAL ON FIRST READING. SECOND READING WILL BRING IT BACK FOR THIRD READING.

Mayor Wynn: OKAY. THANK YOU. COUNCIL THE CONSENT AGENDA THEN FOR THE CASES THAT HAVE ALREADY HAD PUBLIC HEARINGS FOR ITEM NO. 42, APPROVAL ON SECOND AND THIRD READING, I'M SORRY, ITEM NO. 49, APPROVAL ON SECOND AND THIRD READING, ITEM 50 A POSTPONEMENT TO APRIL 15th 15th, 2004, ITEM 51, APPROVAL ON SECOND READING ONLY, AND ITEM 52 PRIVILEGE ON SECOND READING ONLY. WE HAVE -- ALTHOUGH THE PUBLIC HEARING HAS BEEN CLOSED, TWO CITIZENS HAVE SIGNED UP OPPOSING ITEM NO. 52. AGAIN THIS IS ON SECOND READING ONLY. SO, COUNCIL, I WILL ENTERTAIN A MOTION.

Goodman: I WILL MOVE THAT, MAYOR, AS YOU READ IT WITH THE CAVEAT TO ANYONE WHO WANTS TO POSTPONE TO APRIL 15th, I PERSONALLY WILL BE IN A VERY BAD MOOD. [LAUGHTER] WENT WIN MOTION MADE TO APPROVE THE

CONSENT AGENDA AS READ BY THE MAYOR PRO TEM. I'LL SECOND THAT.

Slusher: WOULD YOU SHOW ME VOTING NO AGAIN ON NUMBER 51.

Mayor Wynn: YES, WE WILL THANK YOU. MS. BROWN HAS THAT. FURTHER COMMENTS, COUNCIL? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 NOTING THAT COUNCILMEMBER SLUSHER VOTED NO AGAIN ON ITEM NO. 51. THANK YOU, MS. GLASGO.

Glasgo: THAT TAKES US TO OUR 4:00 PUBLIC HEARING ITEM, ITEM NO. Z-1 IS A PROPOSAL TO AMEND SUBCHAPTER D OF CHAPTER 25-2 OF THE CITY CODE TO PROVIDE THAT AN ORDINANCE ZONING PROPERTY AS A NEIGHBORHOOD PLAN COMBINING DISTRICT MAY RESTRICT PARKING IN THE FRONT OR SIDE YARDS OF A RESIDENTIAL PROPERTY. THIS IS PART -- THIS AMENDMENT WOULD GO INTO OUR NEIGHBORHOOD INFILL TOOL THAT -- THAT WE WILL REFER TO AS -- AS AN ITEM THAT NEIGHBORHOODS CAN CONSIDER IN AN OVERALL PLANNING SCENARIO, TO SELECT FROM THE TOOL BOX. AND THE NEXT, ITEM NO. 2 IS PART OF THE BRENTWOOD HOLLY NEIGHBORHOOD PLAN, THAT WILL BE A DISCUSSION ITEM TO BE HEARD WITH THE ZONING CASE Z-8. ITEM NO. Z-3, C14-04-10, EM ROWSHAN ET AL LOCATED AT 2222 BE CHANGE -- THE CHANGE IN ZONING IS FROM INTERIM RURAL RESIDENTIAL TO LIMITED OFFICE MIXED USE COMBINING DISTRICT. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT LO-MU-CO, THIS CASE IS READY FOR ALL THREE READINGS. ITEM NO. Z-4 WILL BE A DISCUSSION. Z-5 WE WILL COME BACK TO AS A DISCUSSION ITEM. AND Z-6 AND Z-7 IS DISCUSSION, ALSO, THAT WILL BE HEARD WITH THE BRENTWOOD/HIGHLAND NEIGHBORHOOD PLAN. MAYOR THAT CONCLUDES THE CONSENT ITEMS.

Mayor Wynn: ON Z-1 THE -- Z-1 RECOMMENDING IT FOR APPROVAL ON ALL THREE READINGS.

Mayor Wynn: SO CHECK ME ON THIS PLEASE, MS. GLASGO. THE CONSENT AGENDA FOR THE ZONING CASES WILL BE ITEMS Z-1, APPROVAL ON ALL THREE READINGS, ITEM Z-3 APPROVAL ON ALL THREE READINGS. I'LL ENTERTAIN A MOTION. MOTION MADE BY COUNCILMEMBER ALVAREZ.

Glasgo: MAYOR, EXCUSE ME, A CITIZEN INDICATED THAT HE SIGNED UP TO SPEAK AGAINST Z-3.

Glasgo: OKAY. THEN -- THEN WE WILL CERTAINLY ALLOW MR. FARMER TO SPEAK. SO WITHOUT OBJECTION, COUNCILMEMBER ALVAREZ, LET'S TAKE Z-3 OFF THE CONSENT AGENDA. SHOULDN'T TAKE LONG, HOWEVER WITH ONE SPEAKER. SO THE CONSENT AGENDA WILL BE ITEM Z-1 ON ALL THREE READINGS. MOTION MADE BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER THOMAS TO APPROVE ITEM Z-1 -- TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM Z-1 ON ALL THREE READINGS. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. LET'S TAKE UP ITEM NO. Z-3, COUNCIL.

Glasgo: OKAY, ITEM NO. Z-13 IS CASE C14-04-0010 LOCATED ON 2222 SOUTH OF MCNEIL ROAD. THE APPLICANT IS REQUESTING A CHANGE FROM INTERIM RURAL RESIDENTIAL TO LIMITED OFFICE MIXED USE WITH A CONDITIONAL OVERLAY. THE ZONING AND PLATTING COMMISSION RECOMMENDATION IS TO GRANT THAT REQUEST. AND WE WERE OFFERING THE CASE TO GO FORWARD WITH ALL THREE READINGS. THE CONDITIONAL OVERLAY LIMITS THE TRIP LIMITATION TO 2,000 TRIPS PER DAY. AND I'LL BE GLAD TO RESPOND TO ANY QUESTIONS AFTER THE CITIZEN MAKES HIS COMMENTS.

Mayor Wynn: TYPICALLY WE HAVE THE APPLICANT PRESENTATION, CITIZENS EITHER IN FAVOR OR AGAINST AND THEN A REBUTTAL. THAT MIGHT NOT NEED TO OCCUR HERE. IS THE APPLICANT PRESENT? COUNCIL, WITHOUT OBJECTIONS, WITHOUT OTHER QUESTIONS OF STAFF, I

WOULD CONSIDER MS. GLASGO'S SUMMARY COGNIZANT ENOUGH FOR ME TO MOVE FORWARD AND WITHOUT OBJECTION WILL NOW CALL ON OUR SOLO SPEAKER, MR. CHARLES FARMER, WHO SIGNED UP WISHING TO SPEAK AGAINST THIS ZONING CASE. WELCOME, MR. FARMER, YOU'LL HAVE THREE MINUTES.

THANK YOU, MY NAME IS CHARLES FARMER, I'M HERE REPRESENTED THE ELECTED BOARD OF THE RIVER PLACE COMMUNECOMMUNICATION AND COALITION OF NEIGHBORHOOD ASSOCIATIONS FOR 222. WE BELIEVE THIS PROPERTY HAS A UNIQUE SITUATION ALONG 222 IN THAT THE ONLY ACCESS TO THIS PROPERTY IS A SINGLE DRIVEWAY CONNECTING TO 2222 IN THE MIDDLE OF TUMBLE WEED HILL WHICH IS A STRETCH OF 222 WITH NO SHOULDER AND NO LEFT TURN LANE. I'M ASSUMING THAT MOST OF YOU ARE FAMILIAR WITH THAT STRETCH OF 2222. IF YOU CAN JUST ENVISION COMING DOWN TUMBLE WEED HILL AND IN THE MIDDLE OF THAT HILL IF YOU ARE IN THAT FAST LANE SOMEONE IS STOPPED IN THAT FAST LANE WAITING TO TURN LEFT INTO THAT DRIVEWAY. THAT'S OBVIOUSLY A HUGE SAFETY CONCERN FOR US. NOW, ALONG THE FIVE MILE STRETCH OF 2222 FROM LOOP 360 TO 620 LAST YEAR THERE WERE 120 COLLISION ACCIDENTS, THAT'S 10 A MONTH, TWO FATALITY ACCIDENTS. AS MOST OF YOU KNOW, A COUPLE OF FRIDAYS AGO, ANOTHER YOUNG LADY LOST HER LIFE ON THAT STRETCH OF 2222. WE THINK THAT THE SAFETY ISSUES FOR THIS PROPERTY TURNING INTO A COMMERCIAL PIECE OF PROPERTY AND ALLOWING 2,000 VEHICLE TRIPS PER DAY ARE UNACCEPTABLE. WE WOULD, HOWEVER, AGREE TO LOOK AT THIS IF LEFT TURN ONLY ACCESS WERE GRANTED AS A PART OF THE SITE PLAN AND THE DISROIF, MUCH LIKE H.E.B. HAS AGREED TO DO ON THAT SECTION OF 2229. WE THINK THE SAFETY ISSUES ARE EXACERBATED BECAUSE OF THE STEEP HILL THERE. WE WOULD APPRECIATE IT IF COUNCIL AND CITY STAFF WOULD LOOK AT THIS, LOOK AT PUTTING A LEFT TURN ONLY RESTRICTION FOR ENTRANCE AND EXIT FROM THIS PIECE OF PROPERTY BEFORE THEY CHANGE THE ZONING TO COMMERCIAL AND INCREASE THE NUMBER OF VEHICLE TRIPS PER DAY THAT ARE INTERESTING THAT PROPERTY -- THAT ARE ENTERING THAT PROPERTY. THANK YOU.

Mayor Wynn: THANK YOU, MR. FARMER. IF PERHAPS STAFF COULD RESPOND. YOU KNOW THE IMPLICATION BEING THAT MY -- MY SENSE WOULD BE THAT STAFF HAS IN FACT ANALYZED TRANSPORTATION AS WE DO WITH ALL ZONING CASES PRIOR EVEN TO THE PUBLIC PROCESS AT THE ZONING AND PLATTING COMMISSION.

Glasgo: MAYOR, I DON'T BELIEVE WE HAVE A SITE PLAN IN HOUSE AND TYPICALLY WHEN WE DON'T HAVE ONE THOSE ISSUES ARE ADDRESSED AT THE TIME OF A DEVELOPMENT PROPOSAL. THAT THE TRANSPORTATION STAFF WOULD TAKE A LOOK AT THOSE ISSUES. TO THE BEST OF THEIR TECHNICAL EXPERTISE, THEY WOULD ENSURE THAT ALL OF THE SAFETY CONCERNS ARE IN PLACE. I WILL LET MR. JOE ZAPALAC THE TRANSPORTATION MANAGER ADDRESS THAT.

Mayor Wynn: THANK YOU, WELCOME MR. ZAPALAC.

MAYOR AND COUNCIL, MS. GLASGO IS CORRECT, THIS IS AN ISSUE THAT WOULD BE LOOKED AT AT THE TIME OF SITE PLAN, WE HAVE NOT EXAMINED THE SAFETY ASPECTS AT THIS PARTICULAR TIME. THE TEXAS DEPARTMENT OF TRANSPORTATION WOULD ALSO BE INVOLVED AND THEY WOULD HAVE TO APPROVE ANY ACCESS AND THEY DO HAVE STRICT REGULATIONS ON SITE DISTANCE AND ISSUES SUCH AS THAT WHICH -- WHICH WOULD AFFECT THE ABILITY TO APPROVE THE DRIVEWAY. TO THE SITE.

Mayor Wynn: QUESTIONS -- COUNCILMEMBER SLUSHER?

Slusher: WHY WOULD WE NOT AT LEAST CONSIDER THE NUMBER OF TRIPS AS PART OF THIS PROCESS? I KNOW IT SAYS 2,000. BUT -- BUT THAT SEEMS HIGH.

CERTAINLY COUNCIL COULD RESTRICT THE NUMBER OF TRIPS FURTHER AND YOU HAVE DONE THAT IN SOME OTHER CASES ALONG 2222. YOU HAVE LIMITED I KNOW TWO OR THREE OTHER TRACTS TO A THOUSAND TRIPS OR LESS.

> MAYOR WYNN: COUNCILMEMBER MCCRACKEN?

McCracken: MR. ZAPALAC, I WANT TO CONFIRM THEN THAT ANY OF THE INGRESS, EGRESS ISSUES FROM THIS

PROPERTY STILL REQUIRE STATE APPROVAL?

THAT'S CORRECT.

IS THERE ANY PROVISION WHERE THE CITY WOULD HAVE PARTICIPATION IN ANALYZING SAFETY ISSUES BASED ON THE ZONING DECISIONS THAT ARE BEFORE THE COUNCIL?

WE WOULD PARTICIPATE IN THAT DECISION. BUT TEXDOT WOULD HAVE THE FINAL DECISION.

MY CONCERN IS THAT IF WE -- IF WE WERE TO APPROVE THE ZONING, ANOTHER QUESTION THAT I HAVE OF YOU, MR. ZAPALAC, WOULD THAT -- OR MS. GLASGO, WOULD THE DECISION THAT WE MAKE ON ZONING LOCK IN WHERE THE ENTRANCE IS TO -- TO THIS NEW DEVELOPMENT? BECAUSE IT'S CONCEIVABLE --

FOR INSTANCE, TEXDOT COULD ORDER ANY ENTRANCE TO BE LOCATED IN A DIFFERENT LOCATION ON THE PROPERTY THAN WHAT IS BEFORE US TODAY?

WELL, THERE IS NO SPECIFIC PROPOSAL BEFORE YOU TODAY ON THE LOCATION OF THE DRIVEWAY. AND THAT IS SOMETHING THAT WOULD BE ADDRESSED WITH THE SITE PLAN THAT -- AND TEXDOT COULD -- COULD MAKE THAT FINAL DECISION.

McCracken: IS THIS PROPERTY SUS ACCEPTABLE TO HAVING ITS ENTRANCE TO 2222 LOCATED IN SOME OTHER LOCATION? I'M NOT SURE WHAT MR. FARMER'S POSITION IS ON WHERE THIS ENTRANCE TO 2222 WOULD OCCUR, BECAUSE THIS IS POTENTIALLY A VERY DANGEROUS AREA.

THE TRACT IS ONLY ABOUT FIVE ACRES. AND APPEARS TO HAVE ABOUT 800 FEET OF FRONTAGE ALONG 2222. THERE ARE ALSO APPARENTLY SOME TOPOGRAPHIC CONSTRAINTS THAT WOULD HAVE TO BE CONSIDERED BECAUSE THERE IS A DRAINAGE CHANNEL THAT CUTS THROUGH A PORTION OF THE TRACT. SO IN TERMS OF WHERE THE ACCESS COULD BE LOCATED, IT MAY BE SOMEWHAT LIMITED, YOU KNOW, PROBABLY TOWARDS THE WESTERN HALF OF THE PROPERTY WOULD BE THE MOST APPROPRIATE LOCATION.

WITHOUT ACTUALLY LOOKING AT THE PROPERTY ON THE GROUND AND, YOU KNOW, I COULDN'T REALLY SAY. BUT IT APPEARS THERE ARE SOME CONSTRAINTS OF THAT TYPE.

AGAIN, MR. ZAPALAC, IN ADDITION TO STATE APPROVAL WHICH REALLY IS ONLY OCCURRING BECAUSE F.M. 2222 IS OBVIOUSLY THE STATE ROAD, THE CITY STAFF STILL HAS FULL REVIEW OF ANY SITE PLAN OR DEVELOPMENT PROCESS IN THE FUTURE ON THIS TRACT.

THAT'S CORRECT.

Mayor Wynn: MAYOR PRO TEM?

Goodman: LET ME FOLLOW UP ON THAT WITH GEORGE, THOUGH. BECAUSE WE DON'T HAVE A SITE PLAN THAT COMES BEFORE THE COUNCIL ANYMORE, THIS REALLY IS THE ONLY TIME TO GET AN AGREEMENT FROM A PROPERTY OWNER ABOUT A NUANCE LIKE LEFT TURN IN, LEFT TURN OUT. AND SINCE I ASSUME THAT NO MATTER WHERE SAFETY-WISE THEY ULTIMATELY PUT THEIR ACCESS, THEIR EGRESS AND ENTRANCE, THAT WE COULD STILL GET AGREEMENT FROM THE PROPERTY OWNER FOR THE LEFT TURN IN, LEFT TURN OUT.

YES, YOU COULD, TO ANSWER THE SECOND QUESTION. YES, YOU COULD DO THAT. AND THE FIRST QUESTION, THAT'S CORRECT, THE SITE PLAN DOES NOT NORMALLY COME TO COUNCIL. HOWEVER, IT DOES COME TO THE -- TO THE COMMISSION TO THE ZONING AND PLATTING COMMISSION BECAUSE THIS IS A HILL COUNTRY ROADWAY. SO THERE WOULD BE AN OPPORTUNITY FOR PUBLIC INPUT AT THAT TIME. AND THERE IS THE ABILITY FOR AN INTERESTED PARTY TO APPEAL THE SITE PLAN TO COUNCIL IF -- IF THEY WERE NOT SATISFIED WITH THE ZONING AND PLATTING COMMISSION'S DECISION.

Goodman: WELL, THAT MAY BE SO. I JUST THOUGHT THAT WE COULD CUT OUT SOME OF THE FUTURE ANGST IF WE DID IT NOW. AND BESIDES YOU KNOW THE ZONING AND PLATTING COMMISSION DOES NOT ALWAYS AGREE WITH COUNCIL.

CERTAINLY. CERTAINLY YOU HAVE THE ABILITY TO DO THAT.

I WOULD JUST SAY THAT THE STAFF HAS NOT EXAMINED THAT ISSUE YET AND I'M NOT REAL CLEAR ABOUT A LEFT TURN IN, LEFT TURN OUT DESIGN. THAT'S SOMETHING THAT'S A BIT UNUSUAL. A RIGHT TURN IN, RIGHT TURN OUT IS MORE COMMON. BUT A LEFT TURN IN, LEFT TURN OUT IS -- IS SOMEWHAT UNUSUAL.

Goodman: SORRY, RIGHT, RIGHT, SWITCH. LET ME ASK YOU IF THERE'S ANY WAY TO DO IT SORT OF ON AN CONTINGENCY BASIS. SO THAT UNLESS IT'S PRECLUDED BY SOME SORT OF A SIGNIFICANT TRAFFIC SAFETY ISSUE OR SOMETHING THAT I -- YOU KNOW, CAN'T IMAGINE AT THE MOMENT FROM TEXDOT, COULD WE -- COULD WE GET AN AGREEMENT FOR IT ON THAT KIND OF A BASIS? SO THAT THE SITE PLAN WOULD STILL HAVE THE PUBLIC REVIEW AND THE PUBLIC WOULD BE ABLE TO COME IN THERE AND SO THAT IF IT WAS NOT GOING TO BE IMPLEMENTED FOR SOME REASON AT THAT TIME, THE PUBLIC WOULD ALSO BE VERY AWARE OF IT AND COULD HAVE INPUT.

I THINK THERE MIGHT BE A WAY TO WORD THAT. I MIGHT HAVE TO ASK THE LAW DEPARTMENT TO ASSIST THERE IN TERMS OF HOW THAT COULD BE WORDED. BUT YOU MIGHT BE ABLE TO CRAFT SOME SORT OF A CONDITION OF THAT TYPE.

DAVID WOODS, CITY ATTORNEY'S OFFICE. WELL, THAT'S WHAT THE -- IF THAT'S WHAT THE COUNCIL'S DESIRE IS, I WOULD REQUEST THAT YOU DO THIS ON FIRST AND SECOND READING ONLY. WE WILL COME BACK WITH AN ORDINANCE ON THIRD READING THAT ACCOMPLISHES YOUR DESIRE.

Mayor Wynn: IF I CAN JUST CONFIRM, IS THE APPLICANT HERE? I GUESS THE APPLICANT IS THE CITY OF AUSTIN --

WE HAVE THE APPLICANTS AS HAVING BEEN DIRECTEDLY THE PLANNING COMMISSION TO INITIATE THE CASE BECAUSE IT WAS A REMNANT OF THE ANNEXATION. BUT THE OWNER, I BELIEVE IS HERE. I SAW HIM RAISE HIS HAND. HE CAN STILL SPEAK TO THE ISSUES OF THE INGRESS AS THE OWNER, WE ARE JUST SIMPLY FACILITATING THE PROCESS. BUT WE ARE NOT INITIATING IT OTHER THAN JUST TO

ALLEVIATE THE FEE. FILING ISSUE.

Goodman: COULD WE ASK HIM -- IF YOU'VE BEEN FOLLOWING THIS, COULD YOU COME UP TO THE MIC AND LET US KNOW ABOUT THE RIGHT TURN IN, RIGHT TURN OUT, IT'S FEASIBLE OR NOT PRECLUDED BY SOME SAFETY OR --

I HAVE NO PROBLEM WITH THAT.

GREAT.

WE ARE CONCERNED ABOUT THAT, ALSO, SO WE HAVE NO PROBLEM.

Goodman: MARVELOUS.

Glasgo: IN THAT CASE MAYOR I WOULD RECOMMEND FIRST READING, SO WE CAN DRAFT IT TO COME BACK FOR SECOND AND THIRD OR THE PROPER INSTRUMENT TO EXECUTE THAT. WAS COUNCIL INTERESTED IN LIMITING THE NUMBER OF TRIPS, ALSO. I KNOW THERE WAS A QUESTION ABOUT WHETHER TRIPS COULD BE LIMITED TO LESS THAN 2,000?

Slusher: TO ME I THINK A THOUSAND WOULD MAKE MORE SENSE, ALTHOUGH WHAT'S HAPPENING -- I WOULD LIKE TO LOOK AT IT MORE CLOSELY BEFORE FINAL READING. WOULD YOU LIKE TO SPEAK TO THAT, SIR.

NO, I CAN'T AT THIS TIME.

I'M SORRY.

DID YOU ASK ME A QUESTION.

I SAID DID YOU WANT TO COMMENT ON THAT OR WOULD THAT BE ACCEPTABLE TO YOU? A THOUSAND CARS A DAY INSTEAD OF 2,000?

I CANNOT COMMENT ON THAT AT THIS TIME.

Slusher: WHY DON'T WE LOOK AT IT BETWEEN FIRST AND SECOND READING. I WOULD SUGGEST JUST FIRST READING RATHER THAN FIRST AND SECOND. THAT MEANS THAT IT

WOULD COME BACK BEFORE US.

THE ONLY OTHER ISSUE THAT I WOULD LIKE TO ASK IS WE HAVE A LEFT TURN LANE ALL THE WAY THROUGH 2222 EXCEPT FOR THAT SECTION. I DON'T KNOW IF PLANNING OR TRANSPORTATION DEPARTMENT HAS ANY FUTURE PLAN TO ADD THAT, THEN WE CAN TAKE THAT RESTRICTION OFF LEFT TURN OR -- ANYHOW WE DON'T HAVE ANY PROBLEM WITH LEFT TURN RESTRICTIONS. BUT IF IT CAN BE ACCOMMODATED WE WOULD LIKE TO HAVE IT.

Goodman: IN BETWEEN NOW AND THEN, GEORGE CAN FIND THAT OUT, TOO.

Slusher: LET ME CLARIFY, ARE WE TALKING ABOUT LEFT TURN ONLY OR RIGHT TURN ONLY.

RIGHT IN, RIGHT OUT.

Slusher: OKAY. THAT MAKES MORE SENSE. I THINK --

Glasgo: LEFT AND RIGHT.

Slusher: I'M GLAD WE CLARIFIED THAT. WHAT WE ARE SORT OF TRYING TO PREVENT THERE WAS LEFT TURNS.

COUNCILMEMBER MCCRACKEN?

McCracken: THIS IS A -- THE QUESTION HAS COME UP ABOUT 2222 IN GENERAL. DO WE KNOW WHAT THE PLANS ARE FOR WHETHER A LEFT TURN LANE WILL BE PLANNED TO BE PUT IN IN THAT PART OF 2222?

COUNCILMEMBER, TEXDOT IS CURRENTLY DOING A STUDY ON 2222 TO LOOK AT WHAT THE POSSIBILITIES ARE. IN FACT I WAS IN A MEETING THIS MORNING ON THIS ISSUE. AND THAT IS ONE POSSIBILITY THAT THEY ARE LOOKING AT FOR THE ENTIRE LENGTH OF 2222.

McCracken: IN THIS PARTICULAR TRACT HOW CLOSE IS IT FOR INSTANCE 620 INTO THE RIVER PLACE NEIGHBORHOOD?

IT'S SOME DISTANCE AWAY FROM -- IT'S BELOW RIVER

PLACE. IT'S PROBABLY AT LEAST A MILE OR SO FROM RIVER PLACE.

SO IT'S CLOSER TO 360?

IT'S -- IT'S PERHAPS MID-WAY BETWEEN 360 AND 620.

Mayor Wynn: COUNCIL, I WILL ENTERTAIN A MOTION ON FIRST READING ONLY ON ITEM Z-3, WHICH WILL INCLUDE CLOSING THE PUBLIC HEARING.

Goodman: MAYOR, I MOVE TO CLOSE THE PUBLIC HEARING AND PASS ON FIRST READING WITH THE NOTATION THAT THERE'S INFORMATION TO COME BACK TO US ABOUT NUMBER OF TRIPS AND SO ON. PLANS FROM TEXDOT FOR THE CENTRAL TURN LANE BEFORE NEXT TIME AND THE AMENDMENT FOR FIRST READING IS TO INCLUDE RIGHT TURN IN, RIGHT TURN OUT ONLY.

Slusher: MAYOR PRO TEM, WOULD THAT BE AT THE THOUSAND TRIPS PER DAY?

Goodman: I WASN'T GOING TO PUT IT IN, BUT I GUESS IT DOESN'T MATTER --

Slusher: I WOULD LIKE TO ADD THAT.

Goodman: FOR THE MOMENT TO PUT IN A THOUSAND TRIPS.

Mayor Wynn: MOTION MADE BY MAYOR PRO TEM, SECONDED BY TO BY TO -- INCREASING THE TRIP LIMITATION TO -- DOWN TO 1,000 CARS PER DAY. SECONDED DIDSECOND BY COUNCILMEMBER SLUSHER.

Goodman: JUST TO REASSURE, IT DOES TAKE THREE READINGS TO FINALLY APPROVE AND WE WILL FIND OUT THE INFORMATION IN BETWEEN NOW AND THEN AND SO CAN THE PROPERTY OWNER ABOUT WHAT THE NUMBER OF TRIPS IMPACTS RELATIVE TO THIS LAND USE AND FUTURE PLANS FOR TEXDOT.

Mayor Wynn: FURTHER COMMENTS? HEARING NONE, ALL

THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0.

Glasgo: MAYOR, WE NOW ROW TO ITEM NO. Z-14, C14-03-147 THE RICH RETAIL CENTER. THIS CASE HE IS LOCATED AT THE 8700 BLOCK OF SOUTH FIRST STREET. AND THE -- THE CASE HAS HAD SEVERAL MODIFICATIONS ON THE -- REGARDING THE REQUESTS. THE INITIAL REQUEST ON -- ON ITEM NO. Z-4 IS TO ASK FOR G.R. ZONING ON THE ENTIRE TRACT, THERE WAS A SUBSEQUENT AMENDMENT AT THE COMMISSION LEVEL TO REDUCE IT TO G.R. FOR 10 ACRES AND S.F. 6 FOR 2.5 ACRES AND A SECOND AMENDMENT TO WHICH THE COMMISSION RESPONDED. THE -- I NEED TO PUT SOME MAPS UP, MR. GUERNSEY IS DOING THAT FOR ME, IT WILL BE EASIER TO WALK YOU THROUGH THAT. MAYOR AND COUNCILMEMBERS, THE CASE BEFORE YOU HAS -- HAS SEVERAL SCENARIOS AND WE HAVE A MAP TO SHOW FOR YOU SO YOU CAN SELECT WHICH OPTION TO GO WITH. THIS IS -- THIS IS THE STAFF RECOMMENDATION, THE APPLICANT'S INITIAL APPLICATION WAS TO ASK FOR G.R. ZONING ON THE ENTIRE PROPERTY. WHICH COMPRISES A TOTAL OF -- OF THE [INDISCERNIBLE] WAS FOR G.R. FOR ABOUT 10 ACRES, IT'S ABOUT -- MAYBE 15 ACRES OR SO. HOWEVER, THE STAFF RECOMMENDATION THEN WAS TO SPLIT THE ZONING INTO THE YELLOW SHOWING THAT SHOULD BE SINGLE FAMILY 6, SIMPLY BECAUSE OF THE PROXIMITY OF THE SINGLE FAMILY RESIDENCES AROUND SOME PROPERTY AND THEN PROVIDE G.R. ZONING FOR THIS TRACT IN PINK, WHICH WILL ALLOW FOR SOME RETAIL ZONING. THEN NORTH OF THAT RECOMMEND L.R. ZONING WHICH WOULD PROVIDE FOR LESS INTENSIVE USES. THE -- THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION IS TO MY LEFT. YOU HAVE SINGLE FAMILY 6 IN YELLOW FOR TRACT 1, AND IN ORANGE YOU HAVE L.R. ZONING ON THE TRACT 2. AFTER THE PLANNING COMMISSION RECOMMENDATION, THE APPLICANT HAS A PROPOSAL THAT IS DIFFERENT. THE APPLICANT WOULD LIKE TO HAVE SINGLE FAMILY 6 ON THE YELLOW PORTION, WHICH COMPRISES A TOTAL OF 2.5 ACRES. ON THE ORANGE TRACT, LR ZONING FOR 8.75 ACRES. IN THE PINK AREA G.R.-C.O.

ZONING RESTRICTING TO L.R. USES AND ALLOWING RESTAURANT GENERAL AS THE G.R. USE ON THAT TRACT.

Slusher: MS. GLASGO, IS THAT ONE ORIENTED, TURNED DIFFERENTLY THAN THE OTHER MAPS THAT WE WERE LOOKING AT.

IT PROBABLY IS BECAUSE -- WE --

Slusher: DOES THE YELLOW -- BECAUSE YELLOW IS -- I WOULD THINK THAT THAT ONE IS FACING EAST-WEST INSTEAD OF NORTH-SOUTH IS WHAT I'M SAYING.

CORRECT. I THINK IT'S PROBABLY THE ORIENTATION. LET ME SEE. IT'S CORRECT. IT JUST THAT THE CONFIGURATION OF THE LOTS IS PROBABLY WHAT'S THROWING YOU OFF. THIS IS --

I'M WONDERING WHY NOW THE S.F. 6 IS MOVED BACK TO THE NORTH LIGHTS LIKE ON --

PROBABLY TAKING THE TRACT AND SPLITTING IT UP THIS WAY AND THAT WAY.

OKAY.

Glasgo: THE STREET IS THE SAME HERE. HERE IS SOUTH FIRST STREET. THE OTHER RESIDENTIAL SUBDIVISION HERE.

Slusher: I GOT IT NOW, THANKS.

Glasgo: SORRY ABOUT THAT. DIFFERENT DRAWINGS CAN THROW YOU OFF. THIS IS THE PROPOSAL BEFORE YOU. WE - - WE WANTED TO LAY IT OUT THIS WAY SO YOU CAN SEE THE -- THE STAFF RECOMMENDATION, ZONING AND PLATTING COMMISSION RECOMMENDATION, AND THE APPLICANT'S LATEST REQUEST AND WE WILL PROBABLY RAISE ON IT UP A LITTLE SO YOU CAN SEE IF WE CAN GET ANOTHER EASEL. THIS WOULD BE READY FOR FIRST READING DEPENDING ON WHAT YOU CHOOSE, DO YOU HAVE ANY QUESTIONS BEFORE YOU HEAR FROM THE APPLICANT? OR -- OR YOU WANT TO HEAR FROM THE APPLICANT AND WE WILL HEAR QUESTIONS

LATER?

Mayor Wynn: I'M SURE THE APPLICANT WILL CREATE A LOT OF QUESTIONS FOR US.

Glasgo: ALL RIGHT. WELL THAT CONCLUDES MY PRESENTATION.

Mayor Wynn: THANK YOU, FURTHER QUESTIONS -- COUNCILMEMBER DUNKERLY?

Dunkerley: MS. GLASGO, I THINK YOU ANSWERED THIS, BUT IN THE AREA WHERE THE APPLICANT IS REQUESTING G.R. ZONING, YOU SAID IT WAS LIMITED TO ONLY ONE G.R. USE, THAT'S GENERAL RESTAURANT AND THE BALANCE OF IT WOULD BE THE L.R. USES.

Glasgo: YES, THAT'S CORRECT.

Dunkerley: ALL RIGHT.

Mayor Wynn: COUNCIL, AT THIS TIME WE WILL HEAR FROM THE APPLICANT AND/OR AGENT. MR. WITLIF YOU WILL HAVE FIVE MINUTES, WE WILL HEAR, IF THERE ARE FOLKS WANTING TO SPEAK IN FAVOR, AGAINST AND THEN YOU'LL HAVE A CHANCE TO REBUT. WELCOME, SIR.

THANK YOU, MAYOR, GOOD AFTERNOON MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, MY NAME IS JIM WITLIFF, I'M AN APPLICANT -- THE APPLICANT'S AGENT FOR MR. RICH, THE PROPERTY OWNER. I WOULD LIKE TO TELL YOU THAT THIS CASE WAS FILED BY MR. RICH. HE ASKED ME TO REPRESENT HIM AFTER IT WAS FILED. I DON'T BELIEVE THAT I WOULD HAVE EVER FILED IT FOR A STRAIGHT G.R. ZONING ON THE ENTIRE 13.3 ACRES. AFTER I DID AGREE TO REPRESENT HIM, I SPENT SIGNIFICANT AMOUNT OF TIME MEETING WITH THE -- WITH THE RESIDENTS THAT LIVE AROUND THE NEIGHBORHOOD. I CONTACTED A LOT OF THEM BY TELEPHONE. I MET WITH A LOT OF THEM IN PERSON. AND IN THE END WE HAD A SIGNIFICANT AMOUNT OF SUPPORT FROM THE NEIGHBORHOOD PRIOR TO GOING TO ZONING AND PLATTING COMMISSION. I WAS NOT AWARE OF ANY OPPOSITION BECAUSE OF MODIFICATIONS THAT WE HAD

AGREED TO WITH THE NEIGHBORHOOD. WHEN WE WENT TO Z.A.P., THE -- MS. BAKER, THE CHAIR, FELT VERY STRONGLY THAT THE -- THE SINGLE FAMILY PORTION DESERVED A BUFFER. THE -- THE RESIDENCES ALONG HERE ARE ALL DUPLEXES AND THEY ARE ALL OWNED BY A NON-PROFIT CALLED FOUNDATION COMMUNITIES. WE DO HAVE A LETTER FROM THEM STATING NO OBJECTION TO RETAIL ZONING, RETAIL DEVELOPMENT ON THE RICH PORTION OF THE PROPERTY THAT ABUTTS THEIR PROPERTY. THE RESIDENTS UP HERE WERE ACCEPTABLE TO THE RETAIL ZONING BUT AT THE REQUEST OF THE ZONING AND PLATTING COMMISSION THEY ASKED ME FOR AN S.F. 6 BUFFER THERE. I MET WITH MR. RICH, HE DID AGREE TO IT. WE DESIGNED THE TWO AND A HALF ACRE BUFFER THAT YOU SEE ON THE BOTTOM DRAWING HERE. AND WENT BACK TO Z.A.P. WHEN Z.A.P. ACTED ON IT TWO WEEKS LATER, THE MOTION WAS MADE TO ADD AN ADDITIONAL 200-FOOT RESIDENTIAL BUFFER ALONG THE WEST PROPERTY LINE TO PROTECT THOSE DUPLEXES. THE PUBLIC HEARING HAD ALREADY BEEN CLOSED AND I WENT BACK TO Z.A.P. AFTERWARDS AND DISCUSSED IT WITH THEM. THE -- THE ONLY PROBLEM THAT I HAVE WITH IT, FRANKLY, IS THAT FROM AN ENGINEERING STANDPOINT WE COMPLAINT MAKE THAT 200 -- WE CAN'T MAKE THAT 200-FOOT STRIP WORK. DOWN HERE AT THE CORNER THE NORTHWEST CORNER OF SOUTH FIRST STREET AND SLAUGHTER LANE IS A TEXACO GAS STATION. WHEN I MET WITH THE RESIDENCES -- THE RESIDENTS THAT THE ONE THING THAT THEY TOLD ME UP FRONT WAS PLEASE DON'T CREATE A NO MAN'S LAND BACK ALONG OUR REAR PROPERTY LINES. TWICE THEY TOLD ME SOMEBODY ROBBED THE GAS STATION. TOOK OFF RUNNING THROUGH THIS BIG OPEN FIELD AND THE POLICE WERE COMING OVER THEIR FENCES WITH GUNS DRAWN LOOKING FOR BAD GUYS AND THEY DIDN'T WANT TO CREATE A HAVEN FOR THAT IN THE FUTURE. I'M AFRAID THAT IF WE HAVE THIS S.F. 6 STRIP HERE WE ARE GOING TO HAVE THAT NO MAN'S LAND. THE PROBLEM WITH IT, I'VE TRIED TO ILLUSTRATE ON THAT DRAWING HERE, IS I HIGHLIGHTED ONE OF THE HOUSES IN ORANGE, AND I DID A PROFILE DOWN HERE. WE ARE REQUIRED TO -- THE LAND IS VERY FLAT, ONLY A 3.5% SLOPE. IT FALLS TOWARDS THESE RESIDENCES. WE HAVE TO HAVE A -- A DRAINAGE POND ON THE LOW END OF OUR

PROPERTY. IT HAS TO BE SET BACK 50 FEET FROM THE RESIDENCES, I HAVE REPRESENTED THAT WITH THIS TEAL COLORADO HERE. WE HAVE HAVE TO ANOTHER 50-FOOT SETBACK BEFORE THE S.F. 6 HOUSES. THAT LEAVES 20 FEET OF THE 200-FOOT PROPOSED STRIP THAT WOULD BE AVAILABLE FOR RESIDENTIAL DEVELOPMENT. IT WAS SUGGESTED MAYBE WE MAKE THE 200-FOOT STRIP WIDER. 300 FEET. WE COULD DO THAT. BUT WE WOULD THEN, WHEN THE RESIDENCES WERE BUILT, WE WOULD END UP HAVING ANOTHER 50-FOOT SETBACK BEHIND THEM BEFORE WE COULD GET THE POND FOR THE COMMERCIAL DEVELOPMENT AND WE WOULD END UP WITH STRIP RETAIL ALONG SOUTH FIRST STREET RATHER THAN THE NEIGHBORHOOD CENTER THAT HAD BEEN REQUESTED. SO KIND OF WRAPPING UP THAT POINT, WE HAVE NO PROBLEM WITH AN S.F. 6 BUFFER. BUT WHETHER THIS STRIP IS S.F. 6 ALONG THESE DUPLEXES OR WHETHER IT'S RETAIL, THEY ARE GOING TO BE BUFFERED BY A POND. IT'S EITHER GOING TO BE A POND FOR RESIDENTIAL DEVELOPMENT OR IT'S GOING TO BE A POND FOR COMMERCIAL DEVELOPMENT. BUT IT'S THE SAME POND. WE HAVE OFFERED TO LANDSCAPE, TO SET RETAIL BUILDINGS BACK A MINIMUM OF 70 FEET. PROBABLY CLOSER TO 90 FEET AND ARCHITECTURAL STANDARDS AND THEY SEEM TO HAVE NO PROBLEM WITH THAT. OUR REQUEST FOR -- FOR A TWO-ACRE G.R.-C.O. FOOTPRINT WAS SIMPLY TO ACCOMMODATE THE WHOLE PURPOSE OF THE G.R. ZONING FROM THE BEGINNING WAS TO BE ABLE TO HAVE A SIT-DOWN RESTAURANT, EITHER A DINENER OR A CHINESE RESTAURANT, BARBECUE JOINT, SOMETHING ALONG THOSE LINES, AND THE NEIGHBORHOOD [BUZZER SOUNDING] COULD CERTAINLY BENEFIT. I'LL WRAP UP. SO CHAIRMAN BAKER ASKED US IF WE COULD COME UP WITH A SPECIFIC LOCATION, SHE SAID Z.A.P. WOULD LOOK GAV FAVORABLY, BUT THEY ALREADY VOTED SO I'M ASKING COUNCIL TO APPROVE OUR ALTERNATE REQUEST. THANK YOU, IF YOU HAVE QUESTIONS I'LL ANSWER THEM.

Mayor Wynn: THANK YOU, ACTUALLY, COUNCIL NO CITIZENS SIGNED UP IN FAVOR OR AGAINST THIS. MR. WITTLIFF WOULD OTHERWISE HAVE SOME REBUTTAL MINUTES. QUESTIONS FOR MR. WITLIFF? MAYOR PRO TEM?

Goodman: I'M WONDERING ABOUT THE DISCUSSION THAT HAPPENED AT Z.A.P. I'M ASSUMING JUST BECAUSE THERE ARE DUPLEXES OWNED BY A COMPANY OR SOMETHING THAT THEY WERE TRYING TO BUFFER THEM AND PROTECT THE RESIDENTS OF THOSE HOMES, THEY ARE STILL REAL PEOPLE AND NEED THAT. SO DID YOU TALK ABOUT ANY OTHER WAY TO BUFFER OR PROTECT AND -- ON YOUR NEW DRAWING, WAS THERE TALK ABOUT SOME KIND OF A -- OF FENCING, SCREENING, SETBACK WITH -- I CAN'T REMEMBER WHAT EXISTS THERE NOW, BUT MAYBE TO ADD SOME TREES OR SOMETHING? ON THE EAST SIDE.

MAYOR PRO TEM, THE AREA THAT YOU ARE TALKING ABOUT I THINK IS RIGHT IN HERE. AND THERE ARE -- THERE'S -- THE TREES THAT I'VE HIGHLIGHTED IN GREEN ARE TREES THAT WOULD PROBABLY BE RETAINED. THEY ARE SIGNIFICANT OAK TREES, THEY WILL PROVIDE SOME BUFFERING. THERE'S SOME CEDAR COVER IN THERE, IT COULD EITHER BE RETAINED OR NOT. THESE FOLKS DO HAVE A FENCE AND CODE WOULD REQUIRE US TO BUILD A FENCE OR MAINTAIN THEIR FENCE AND WE WILL DO THAT. I THINK THE BEST WAY TO BUFFER THEM IS A COMBINATION OF SETBACKS. SINCE WE WOULD COME BACK AND HAVE A -- A BERM FOR OUR POND, WE CAN CERTAINLY LANDSCAPE ALONG THAT, PROVIDE BETTER SCREENING MUCH THEN THE ADDITIONAL SETBACK FOR THOSE BUILDINGS AND UNFORTUNATELY BECAUSE THE SITE IS SO FLAT IN THE WATER, IT DRAINS THIS WAY, THERE'S NOWHERE ELSE TO TAKE IT, THEY ARE GOING TO HAVE A POND BACK THERE. WE WILL SET IT BACK 50 OR 60 FEET FROM THEM. BUT THAT'S GOING TO BE -- HAVE TO BE HOW WE BUFFER.

Goodman: I WAS THINKING MORE OF A -- ALONG THE LINES OF A FENCE, BETTER THAN YOUR AVERAGE FENCE. SOMETHING THAT ACTUALLY IS A BARRIER FROM A -- FROM A RETAIL SITE RIGHT NEXT DOOR TO A RESIDENTIAL. SO I DON'T WANT YOU TO HAVE TO GO TO THE BOARD OF ADJUSTMENTS OR ANYTHING LIKE THAT, BUT SOMETHING MORE SUBSTANTIAL THAN YOUR TYPICAL CEDAR.

IT WOULD CERTAINLY BE POSSIBLE FOR US TO BUILD A FENCE, PERHAPS ALONG THE TOP OF THE BERM. IN FACT I THINK WE ARE REQUIRED TO FENCE THE POND. SO WE

COULD LOOK INTO HAGY THAT FENCE -- INTO MAKING THAT FENCE SOMETHING THAT WOULD BE OPAQUE AND HOPEFULLY SOMETHING ATTRACTIVE RATHER THAN JUST DOG EARED PICKETS.

Goodman: ALL RIGHT.

Mayor Wynn: FURTHER QUESTIONS OF THE AGENT, STAFF?

Alvarez: MAYOR, I HAD A QUESTION FOR THE APPLICANT.

SORRY.

Alvarez: YES, MR. WITTLIFF, YOU HAD MENTIONED HAVING SORT OF AN AREA CUT OUT OF THE L.R. PORTION DESIGNATED AS G.R.

YES.

Alvarez: IS THAT SOMETHING THAT -- THAT'S SOMETHING THAT WE HAVE THE ABILITY TO DESIGNATE NOW OR WE WOULD HAVE TO COME BACK ON ANOTHER READING?

Glasgo: YOU CAN DESIGNATE THAT NOW BECAUSE THE -- BECAUSE THE ORIGINAL REQUEST WAS FOR G.R. ZONING. AND THE -- THE AMENDMENTS JUST SORT OF SHIFTING THE LOCATION OF THE REQUEST AS PROPOSED ON THE EXHIBIT THAT IS BELOW. I JUST WANTED TO CLARIFY BECAUSE THE EXHIBIT THAT HE JUST SHOWED YOU IS DIFFERENT FROM THE EXHIBIT THAT WE HAD BEFORE. SO I'M NOT SURE THAT WE KNOW WHAT -- IN WHAT CONFIGURATION HE WANTS HIS LATEST REQUEST. WHETHER IT'S THIS OR THAT.

Alvarez: SO WE COULD THEM ON FIRST READING TRY TO AT LEAST SCALE BACK THE S.F. 6 PORTION AND LEAVE THE REST AS L.R., COME BACK AND FIGURE OUT IF --

Glasgo: OR G.R. I THINK THAT HE INDICATES THAT HIS REQUEST WOULD BE -- HE CAN CLARIFY, THE MAP THAT -- THAT STAFF BROUGHT WITH US THAT WE HAD BEEN GIVEN AS AN EXHIBIT, BUT THAT'S THE CONFIGURATION IN WHICH HE WOULD LIKE TO HAVE THE ZONING, THE SINGLE FAMILY 6 WOULD BE 2.5 ACRES, LR AT 8.7 ACRES. 75. THEN G.R.-C.O.

TWO ACRES WITH A -- WITH AN LR USES ONLY AND GENERAL RESTAURANT AS THE ONLY G.R. USE FOR THE TWO ACRE G.R. TRACT. YOU COULD DO THAT TODAY ON FIRST READING. DOES THAT ANSWER YOUR QUESTION, COUNCILMEMBER?

Alvarez: IT DOES, BUT I DON'T KNOW IF I COULD REPEAT THAT.

Glasgo: SURE YOU CAN. I WILL BRING A MAP TO YOU.

Alvarez: USUALLY WE HAVE A PICTURE IN THE BACKUP THAT WE CAN REFER TO. THAT WILL -- THAT WILL LAY IT ALL OUT, BUT -- BUT I WOULD LIKE TO MOVE ON FIRST READING THEN - - THE LAYOUT AS DESCRIBED BY MS. GLASGO. THERE IS A PICTURE IN THE BACKUP. TOO FAR IN THE BACK OF YOUR BACKUP, NOT CLOSE UP FRONT. SO THAT WOULD BE FOR SINGLE FAMILY 6, THAT WOULD BE 2.5 ACRES. THE L.R. ZONING AS INDICATED ON THE MAP THAT I HAVE, 8.75 ACRES. G.R.-C.O. ALLOWING RESTAURANT GENERAL AS THE ONLY G.R. USE AND ALLOWING L.R. USES ON THE TRACT THAT IS DESIGNATED FOR TWO ACRES. WE CAN CALL THOSE TRACTS A, B AND C. ... [INDISCERNIBLE]

Alvarez: THAT'S WHAT I'M INTERESTED IN PROPOSING. I DIDN'T KNOW IF WE NEEDED MORE SPECIFICS ABOUT WHERE THE G.R. IS LOCATED IN RELATIONSHIP TO THE -- TO THE LARGER LR TRACK. THAT'S -- IF THAT'S SUFFICIENT --

Glasgo: THAT'S SUFFICIENT. THE G.R. TRACT WILL BE A, LR TRACT B, S.F. 6 WILL BE C. WE HAVE THE EXHIBIT AND WE HAVE TO FURNISH FIELD NOTES FOR THE LAW DEPARTMENT TO PREPARE AN ORDINANCE REPRESENTING THOSE TRACTS.

Mayor Wynn: COUNCILMEMBER WOULD THAT BE YOUR MOTION?

Alvarez: YES, SIR.

Mayor Wynn: WE HAVE A MOTION FROM COUNCILMEMBER ALVAREZ ON Z-4 TO CLOSE THE PUBLIC HEARING AND APPROVE ON FIRST READING ONLY THE SCENARIO

OUTLINED FOR THE THREE TRACTS, TWO ACRES, G.R.-C.O., 8.75 ACRES OF LR, AND 2.5 ACRES OF S.F. 6 ALL OF COURSE TO BE FURTHER DEFINED AND ANALYZED BETWEEN NOW AND POTENTIALLY SECOND AND THIRD READING. UTILITY SECOND THAT MOTION. FURTHER COMMENTS? COUNCILMEMBER SLUSHER?

I HAVE A QUESTION FOR MR. WITTLIFF. HOW COME -- I UNDERSTAND WHAT YOU ARE TALKING ABOUT WITH THE -- WITH THE ZAP RECOMMENDATION, WHY -- WHY YOU DON'T THINK THAT WOULDN'T BE ABLE TO MAKE THAT WORK FOR THE S.F. 6, BUT WHAT ABOUT ON THE STAFF RECOMMENDATION, WHY NOT THE STAFF RECOMMENDATIONS?

WE COULD MAKE THAT WORK. COUNCILMEMBER SLUSHER, BUT THE INTENT -- THE STAFF RECOMMENDATION BASICALLY PROVIDES SOME STRIP RETAIL ALONG SOUTH FIRST STREET. THE ONE THING THAT IT DOESN'T DO THAT Z.A.P. WAS INTERESTED IN IS BUFFER THE SINGLE FAMILY HOMES THAT BACK UP TO IT FROM THE STREET TO THE NORTH. IT WOULD BE OUR PREFERENCE, I THINK IT WOULD BENEFIT THE NEIGHBORHOOD IF THE -- IF THE SITE COULD BE DEVELOPED AS MORE OF A CENTER RATHER THAN STRIP RETAIL ALONG SOUTH FIRST STREET. AS YOU MAY BE AWARE, THERE'S A RETAIL DEVELOPMENT ON SLAUGHTER LANE, AN EXISTING DEVELOPMENT, THAT'S CURRENTLY FOR SALE AND WILL PROBABLY CONVERT OVER TO A RETAIL CENTER. THIS WOULD -- THIS WOULD COMBINE UP WITH THIS 3-POINT 5 ACRES DOWN THERE.

WHAT ABOUT THE BUFFERING FOR THE HOUSES TO THE WEST? YEAH THE WEST. NOW YOU HAVE A BUFFER THEM FOR THE ONES -- YOU HAVE S.F. 6 BUFFER NOW FOR THE ONES TO THE NORTH. WHAT ABOUT THE ONES TO THE WEST?

THE PROPOSAL THAT WE HAVE MADE IS THAT BUILDINGS WOULD BE SET BACK, A MINIMUM, OF 70 FEET FROM THEM, LANDSCAPING WOULD BE IN PLACE AND I WOULD BE HAPPY TO -- TO PROVIDE SPECIFICS AND RESTRICTIVE COVENANT AND THE MAYOR PRO TEM SUGGESTED AN ADDITIONAL FENCE AND I WOULD BE HAPPY TO LOOK INTO ANY KIND OF

A MORE ATTRACTIVE FENCE THAT WE COULD PUT IN THERE, ALSO.

Slusher: THANK YOU, MS. GLASGO, LET ME ASK YOU A QUESTION, PLEASE, SORT OF PUT ON THE SPOT. DO YOU THINK THE Z.A.P. PROPOSAL OFFERS AS MUCH BUFFER AS OR A GOOD ENOUGH BUFFER AS YOU WERE RECOMMENDING IN THE STAFF RECOMMENDATION?

THE --

IF YOU WANT TO JUST COMPARE THE TWO THE WAY THE NEIGHBORHOOD WOULD BE BUFFERED IN EACH CASE.

THE THE COMMISSION RECOMMENDATION HAS THE S.F. 6 WRAPPING AROUND THE RESIDENTIAL USES, COMPLETELY.

Slusher: I WAS MORE INTERESTED IN THE STAFF AND THIS ONE.

Glasgo: THE STAFF AND THIS PROPOSAL. OKAY. LET ME TAKE A LOOK. JUST TAKE POSE THE EXHIBITS. JUSTJUXTAPOSE THE EXHIBITS. THE STAFF PROPOSAL DOES PROVIDE TWO RESIDENTIAL, HE HAS S.F. 6 TO THE NORTH WHICH WOULD PROVIDE THE RESIDENTIAL TO RESIDENTIAL PROTECTION IF YOU WILL. THE -- THE WESTERN PART OF THE SINGLE FAMILY THAT EXISTS WILL HAVE RETAIL, THE SET -- THE SETBACKS HE'S PROPOSING ARE NOT PART OF THE CONDITIONAL OVERLAY.

HOW MUCH WOULD THE -- IF IT WAS -- IF IT WAS RETAIL, WHAT WOULD BE THE NORMAL SETBACK THAT WOULD BE REQUIRED THERE?

THE COMPATIBILITY STANDARDS WOULD REQUIRE A 25-FOOT SETBACK.

Slusher: AND HE'S OFFERING --

Glasgo: THE HEIGHT WOULD BE LIMITED. THAT WAS PROBABLY ALL THEY CAN DO GIVEN THE DEPTH OF THE LOT. THE 25-FOOT SETBACK, THREE STORIES. THREE STORIES OR 40 FEET, A 40-FOOT BUILDING MAXIMUM AND SO THAT

WOULD REALLY BE THE SETBACK UNDER COMPATIBILITY STANDARDS.

Slusher: BUT THEN HE'S OFFERING ALMOST THREE TIMES AS MUCH ON THIS. I TELL YOU WHAT, I'M NOT GOING -- I'M GOING TO TALK TO YOU MORE ABOUT THIS BETWEEN FIRST AND SECOND READING.

Glasgo: CORRECT. WE JUST NEED TO DETERMINE HOW THAT AGREEMENT IS GOING TO BE ARTICULATED AND HOW IT WILL BE IMPLEMENTED.

Slusher: I JUST WANTED TO MAKE SURE THAT THE NEIGHBORHOOD IS BUFFERED. I'M CONCERNED THAT THIS RETAIL IS GOING BACK A LOT FURTHER TOWARD THE NEIGHBORHOOD THAN IT WAS IN THE STAFF RECOMMENDATION.

THAT'S CORRECT.

I NEED TO HAVE SOME REASSURANCES ABOUT THAT BETWEEN FIRST AND FINAL READING.

OKAY. THAT SOUNDS FAIR.

THANK YOU. DID YOU WANT TO SAY SOMETHING?

THANK YOU, COUNCILMEMBER, I WOULD BE HAPPY TO IMPOSE OR SUGGEST A RESTRICTION OF A BUILDING SETBACK FROM THE WEST OF 70 FEET. IF THAT -- IF THAT WOULD PROVIDE SOME ASSURANCE.

WHY DON'T WE GO AHEAD AND ADD THAT INTO THE MOTION. I STILL WANT TO LOOK AT IT AGAIN, BUT LET'S GO AHEAD AND DO THAT. THANK YOU.

Mayor Wynn: THANK YOU, COUNCILMEMBER, BOTH COUNCILMEMBER ALVAREZ AND I CONSIDER THAT A FRIENDLY AMENDMENT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. ON FIRST READING ONLY.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7 7-0. THAT WAS ALSO CLOSING THE PUBLIC HEARING, THANK YOU VERY MUCH.

Glasgo: NOW WE WILL PROCEED TO ITEMS Z-5 AND Z-6. THESE ARE THE CASES THAT ARE LOCATED ON 2222. ITEM NO. Z-5 IS CASE NUMBER C 14-02-181 ONE OF THE CHAMPION TRACTS. THIS ONE IS AT CITY PARK ROAD AND 2222. THE CURRENT ZONING ON THE PROPERTY IS DEVELOPMENT RESERVE AND L.R.-C.O. WHICH STAND FOR NEIGHBORHOOD COMMERCIAL CONDITIONAL OVERLAY. IN -- IN 2,000, MARCH 19 OF 2000 THE CITY COUNCIL HEARD ZONING CASES THAT COVERED REALLY THREE TRACTS IN THIS AREA. AND WHAT HAPPENED AT THAT HEARING IS THAT COUNCIL IMPOSED A TRIP LIMITATION ON THE PROJECT OF 6500 VEHICLE TRIP IT IS PER DAY. THAT'S JUST A GENERAL PART OF THAT. FOR ITEMS Z-5 AND 6, WHAT AN APPLICANT REQUESTING IS THAT ON Z-5 THAT YOU -- THAT YOU ZONE PROPERTY THAT WAS NOT PREVIOUSLY ZONED FROM DR TO LR-C.O. LIMITING THE TRIP GENERATION HERE AS RECOMMENDED BY THE COMMISSION TO 2,000 TRIPS PER DAY. ALSO CHANGING THE -- THE CONDITION THAT YOU IMPOSED INITIALLY ON THE TRIPS FOR THE ENTIRE PROJECT TO ALLOW 2,000 TRIPS A DAY FOR THE TRACT THAT IS CURRENTLY ZONED LR ZONING. THE STAFF RECOMMENDATION IS TO DENY THE REQUEST AND OUR REASONING FOR THAT IS THAT WE BELIEVE THAT THERE OUGHT TO BE A REVIEW OF THE OVERALL PROJECT WITH AN AMENDMENT TO A TRAFFIC IMPACT ANALYSIS. WE DID NOT RECEIVE AN AMENDMENT TO THE ORIGINAL TRAFFIC IMPACT ANALYSIS TO ALLOW YOU TO CONSIDER ADJUSTING THE TRIPS, IF THAT'S OBVIOUSLY YOUR DESIRE, THAT IF YOU WANT TO ADJUST THE OVERALL INITIAL TRIP FOR THE PROJECT, THAT YOU NEED TO LOOK AT THAT IN ITS TOTALITY AND THEN ADJUST -- HENCE OUR RECOMMENDATION FOR DENIAL, SIMPLY THAT WE DID NOT HAVE THAT APPLICATION TO AMEND THE ORIGINAL REQUEST BECAUSE IF YOU AMEND THE TRIPS ON THIS TRACT, THEN IT MEANS THAT THE OTHER PROPERTY DOES NOT HAVE ANY TRIPS AND I'LL NEED TO GET TO THE MAP SO I CAN SHOW YOU WHAT I'M SPEAKING ABOUT. I BELIEVE COUNCILMEMBER MCCracken WAS NOT HERE, COUNCIL, WHEN THIS CASE

OCCURRED IN 2000.

Mayor Wynn: ACTUALLY, I BELIEVE FOUR OF US WEREN'T
HERE. FIVE OF US.

IT WAS MARCH OF 2,000. THREE OF US CAME ON IN JUNE OF
2000.

Glasgo: TIME FLIES.

Slusher: HIGH TURNOVER RATES.

MAYBE DIRECTLY RELATED TO THIS CASE.

McCracken: THE REST OF YOU PROBABLY THINK THAT YOU
HAVE BEEN HERE THAT LONG --

Glasgo: SOMETIMES IT FEELS LONGER. THIS IS 2222, THIS IS
LOOP 360. THIS -- THE TRACTS THAT ARE ON OUR AGENDA
TODAY ARE THE ONES OVER HERE WHICH ARE ON THE
SOUTH SIDE OF 222. THE ORIGINAL CASE ENCOMPASSED
THIS ENTIRE AREA. THE ZONING WAS APPROVED FOR RETAIL
AND RESIDENTIAL. RIGHT NOW THERE'S SOME APARTMENTS
THAT HAVE BEEN CONSTRUCTED TO THE TOP OF THE
PROJECT. YOU CAN SEE THAT ON LOOP 360. THE -- THE
CONCERN THAT COUNCIL IMPOSED ON THE TRIPS WAS THAT
YOU IMPOSED A CAP OF 6,500 TRIPS ON THE ENTIRE
PROJECT. WHAT IS BEFORE YOU TODAY, THESE TWO
TRACTS, WHICH WERE PART OF THE CAP, AT STAFF'S
CONTENTION IS THAT -- IS THAT YOU SHOULD REVIEW OR
ASSESS, CONSIDER, THE ENTIRE PROJECT AND THE CAP
THAT YOU IMPOSED ON THE ENTIRE PROJECT SHOULD YOU
CHOOSE TO AMEND IT AS PROPOSED BY THE APPLICANT. SO
I BELIEVE THE REQUEST BEFORE YOU IS REALLY MORE OF A
-- MORE OF A DESIRE TO -- TO DETERMINE IF YOU ARE
WILLING TO CONSIDER INCREASING THE TRIP GENERATION
ON THESE TWO TRACTS, WHICH WOULD THEN REQUIRE
THAT THE REMAINDER OF THE PROPERTY BE BROUGHT
BACK THROUGH ANOTHER ZONING CASE IN ORDER FOR YOU
TO ADJUST THE REMAINDER OF THE TRACT. OTHERWISE WE
ARE GOING TO HAVE AN INEQUITY IN TRIP GENERATION
THAT SOME OF THE TRACTS WOULD -- WOULD SUCK UP ALL
OF THE TRIP GENERATION THAT WAS IMPOSED AND SOME

OF THEM WOULD BE LEFT WITH NOTHING. THAT'S THE STAFF CONCERN. SO THE -- SO THE ZONING AND PLATTING COMMISSION RECOMMENDATION TO YOU WOULD BE TO -- IS TO GRANT THE ZONING CHANGES REQUESTED AND ALSO LIMIT THE TRIP GENERATION TO 2,000 ON THOSE TRACTS. THAT'S THE REQUEST BEFORE YOU AND THE STAFF RECOMMENDATION IS TO DENY SIMPLY BECAUSE WE DID NOT RECEIVE A TRAFFIC IMPACT ANALYSIS THAT AMENDS THE ORIGINAL PROJECT CAP OF 6500 TRIPS PER DAY. I WILL CONCLUDE THERE AND RESPOND TO QUESTIONS AS THEY MAY ARISE, MR. ZAPALAC IS HERE TO SPEAK TO THE TRAFFIC AND THE TRIPS THAT ARE IMPOSED.

Mayor Wynn: I'M SORRY, STAFF RECOMMENDATION IS TO DENY ON Z-5 AND Z-6. BUT THE ZONING AND PLATTING COMMISSION RECOMMENDATION?

Glasgo: IS TO GRANT THE ZONING CHANGE WITH THE AMENDMENT. AND OUR DENIAL IS SIMPLY BASED ON THE FACT THAT WE DID NOT RECEIVE AN APPLICATION FOR THE ENTIRE PROJECT IN ORDER FOR US TO HAVE THE ABILITY TO ASSESS THE DIFFERENCE BETWEEN THIS PROPOSAL VIS-A-VIS THE ORIGINAL PROPOSAL TO BE ABLE TO MAKE AN EQUITABLE ADJUSTMENT, IF YOU WILL. THANK YOU.

Mayor Wynn: THANK YOU, WITHOUT OBJECTION LET'S TAKE UP ITEMS Z-5 AND Z-6 CONCURRENTLY. ALL OF THE FOLKS WHO SIGNED UP, SAME APPLICANTS, SAME OWNERS, SAME AGENT AND THE SPEARTS HAVE SIGNED UP -- SPEAKERS HAVE SIGNED UP FOR BOTH Z-5 ALSO FOR Z-6. SO A LITTLE MORE EFFICIENCY. WITH THAT, LET'S HEAR FROM THE APPLICANT AND/OR AGENT FOR A FIVE MINUTE PRESENTATION. THEN WE WILL TO GO THE SIGNUP CARDS.

I THINK SOME PEOPLE HAVE DEDICATED THEIR TIME, MS. MEYER, MS. ROBERSON TO THE CHAMP -- TWO OF THE CHAMPION SISTERS DEDICATED THEIR TIME IF APPROPRIATE. I COULD USE THAT. I COULD GET THROUGH IT ANYWAY I THINK IN ABOUT 10 MINUTES IF THAT WOULD BE OKAY.

Mayor Wynn: OUR RULES --

SINCE THERE'S TWO CASES.

Mayor Wynn: WELL, YOU'RE RIGHT. TWO CASES. TRY TO GET THROUGH THE PRESENTATION AS QUICKLY AS POSSIBLE, KNOWING THAT YOU WILL HAVE REBUTTAL AFTER THE CARDS AND MORE THAN LIKELY SEVERAL QUESTIONS FROM COUNCIL AS WELL.

GREAT. AS YOU ALL KNOW THE STORY OF THE CHAMPIONS IN THIS TRACT OF LAND DOES NOT BEGIN BACK IN MARCH OF 2000, IT BEGINS 100 YEARS AGO WHEN THE CHAMPION FAMILY OWNED A LARGE TRACT OF LAND THAT ULTIMATELY WAS BISECTED AND SUBDIVIDED INTO DIFFERENT TRACTS AS ROADWAYS AND HIGHWAYS WERE BUILT TO INTERSECT IT. NOW F.M. 222, 360 AND CITY PARK ROAD RUN THROUGH WHAT WAS ORIGINALLY THE CHAMPION TRACT AND DIVIDED THE LAND. MS. GLASGO REVIEWED WHAT HAPPENED ON MARCH 9th. I WANT TO FOCUS NOW ON WHAT IS LEFT. 545400 TRIPS HAVE BEEN USED LEAVING APPROXIMATELY 1100 ON THREE TRACTS. THE THREE TRACTS THAT ARE LEFT ARE THE OLD SKEET RANGE, 13.93-ACRE, 13.5 ACRES, CITY PARK WEST AND 44.94 ACRES, CITY PARK EAST. YOU'LL HEAR SOME TERMS LIKE DEAL. THERE WAS SOME DEAL ON 9500 TRIPS. I WANT TO BE REAL CLEAR IF YOU LOOK AT THE TRANSCRIPT, THE NEIGHBORHOOD ASSOCIATION ADMITTED THAT IT WAS A FIGURE PROMULGATED AND ADVOCATED BY THEM OVER AND AGAINST STRONG OBJECTION BY THE APPLICANT. ULTIMATELY THE CITY COUNCIL ADOPTED THE NEIGHBORHOOD ASSOCIATION'S FIGURE OF 6500 TRIPS, WHICH IS A NUMBER WITHOUT ANY RELATIONSHIP TO THE SIZE OF THE TRACTS. THIS IS 200 ACRES. AT THE TIME WE HAD A TIA THAT HAD ADJUSTED TRIPS OF 11,967. OBVIOUSLY THESE TRACTS ARE AT A KEY LOCATION WITHIN THE CITY LIMIT AT THE INTERSECTION OF TWO MAJOR STATE HIGHWAYS. IT IS ALSO NOT OVER THE AQUIFER. THESE TRACTS ARE NOT OVER THE AQUIFER. WEST OF THIS SITE THE DEVELOPMENT IS SIGNIFICANT. ADDITIONAL DEVELOPMENT APPROVALS ARE ROUTINELY PROCESSED AND APPROVED, OFTEN BY CONSENT. WE ALMOST SAW THAT HAPPEN TODAY, BUT MR. SLUSHER CAUGHT IT. FOR A FOUR ACRE TRACT WAS GOING TO LIMIT IT TO A THOUSAND TRIPS PER DAY. I DID PROVIDE YOU INFORMATION ABOUT A 1.25-ACRE TRACT THAT GOT APPROVAL ON THE CONSENT

AGENDA, C.S.-C.O. AT 620 AND 2222, WITHOUT ANY OPPOSITION FROM CONA OR ANY OF THE NEIGHBORS THAT YOU ARE GOING TO HEAR FROM TONIGHT. EVEN THOUGH THOSE TRIP AND THOSE PEOPLE WILL BE TRAVELLING ON 2222. I WANT TO PAUSE HERE FOR A MOMENT TO NOTE THAT IF YOU LOOK -- IF YOU TOOK THE SIX TRACTS ASSUMPTION TO THE TRIP LIMITATION, WERE TO MULTIPLY THAT FIGURE OF 6 BY 2,000 TRIPS PER DAY, YOU WOULD GET 12,000 TRIPS, VERY CLOSE TO THE 11,967 TRIPS THAT WERE IN THE ORIGINAL TIA. I THINK WE HAVE MR. ZAPALAC HERE. I HOPE THAT HE WILL ACKNOWLEDGE AS HE DID AT Z.A.P. TAKEN SEPARATELY THE SIX TRACTS WOULD UNDER NORMAL CIRCUMSTANCES BE APPROVED WITH 2,000 TRIPS PER DAY FOR A TOTAL OF 12,000 TRIPS. I WANT TO TAKE A MOMENT ALSO TO TALK ABOUT THE POLICY CONSIDERATIONS. THE CITY'S GOAL IS TO LIMIT SPRAWL OUTSIDE THE CITY LIMITS. HERE WE HAVE AN OPPORTUNITY TO INCREASE DENSITY. IN THE CITY LIMITS AT THE INTERSECTION OF THESE TWO STATE MAINTAINED HIGHWAYS. THESE HIGHWAYS ARE HERE. IF YOU GO BACK TO THE CONSENT AGENDA, OF -- OF FEBRUARY 5th, 2004, ON THE 1.25-ACRE TRACT THAT I MENTIONED, YOU WILL SEE THERE ONE OF THE BASIS FOR A RECOMMENDATION WAS, I QUOTE FROM THE STAFF RECOMMENDATION, "ZONING SHOULD PROMOTE THE POLICY OF LOCATING RETAIL AND MORE INTENSIVE -- IN MORE INTENSIVE ZONING NEAR THE INTERSECTIONS OF ARTERIAL ROADWAYS OR AT THE INTERSECTIONS OF ROADWAYS AND MAJOR ARTERIAL COLLECTORS." IT'S UNDISPUTED ... OUTSIDE THE CITY LIMITS AND CITY'S TAX BASES. THE CITY OF AUSTIN BEARS THE COST ASSOCIATED WITH THE ROADS, POLICE, EMS, FIRE, HOSPITAL THAT THESE NON-RESIDENT COMMUTERS USE. AGAIN WE CAN CAPTURE MORE OF THESE TRIPS AND DOLLARS IN THE CITY OF AUSTIN AT THIS INTERSECTION. THE FACT IS DENSITY. THAT IS MORE PEOPLE WILL CAUSE TRAFFIC AND THAT IS NOT BAD OR A REASON TO SAY NO TO DEVELOPMENT THAT IS AT SUCH A KEY LOCATION, NOT OVER THE AQUIFER. IN 1994, THE CITY'S OWN EXPERT TESTIFIED THAT THESE TRACTS SHOULD BE DEVELOPED WITH MIXED USES AT DENSITIES GREATER THAN WHAT WE HAVE PROPOSED. I HAVE THIS REPORT HERE, I HAVE ALREADY TOLD MS. MATCHES THAT I WOULD BE HAPPY TO SHARE IT WITH HER FOR HER REVIEW AND

CONSIDERATION. THIS DEVELOPMENT IS AN OPPORTUNITY TO INCREASE TAX DOLLARS, PROPERTY AND SALES TAX DOLLARS AT THIS KEY LOCATION. THE TRIP LIMITATIONS ARE INCONSISTENT WITH THE SETTLEMENT AGREEMENT BETWEEN THE CITY AND THE CHAMPIONS WHICH PROVIDES THAT "THE AMOUNT OF IMPERVIOUS COVER WILL NOT BE RESTRICTED TO AN AMOUNT LESS THAN THAT PERMITTED BY THOSE ORDINANCES IDENTIFIED IN THE AGREEMENT. AND THAT THE ZONING DECISIONS "WILL FOLLOW ESTABLISHED REGULATIONS AND PROCEDURES. THE" THE CHAMPIONS WOULD LIKE THE CITY TO HONOR ITS AGREEMENT BY ELIMINATING THE TRIP LIMITATION AND OTHER CONDITIONS SET FORTH IN THE ZONING ORDINANCE. THE COUNCIL WILL IN FACT ABIDE BY THE SETTLEMENT AGREEMENT FOR THESE TWO TRACTS AND ACT IN A WAY THAT IS CONSISTENT WITH RESPECT TO OTHER ZONING CASES THAT HAVE GONE ON BEFORE UP AND DOWN 2222. THE LAWSUIT. THE LAWSUIT WAS FILED BECAUSE MR. SMITH AND I COULD NOT AGREE ON A [INDISCERNIBLE] AGREEMENT AND OUR STATUTE OF LIMITATIONS WAS GOING TO RUN. I THINK IN TWO MINUTES I CAN FINISH.

Mayor Wynn: GO AHEAD.

THIS WAS THE ONLY WAY TO PRESERVE THE APPLICANT'S -- THE RIGHT UNDER THE SETTLEMENT AGREEMENT. HOW CAN IT BE PROPER PLANNING THAT WOULD NOT ALLOW AT THIS INTERSECTION FOR THERE TO BE A DEVELOPMENT AT THE HIGHEST AND BEST USE WHILE A 1.25-ACRE TRACT AT 620 GETS 2,000 TRIPS. IF NOT HERE WHERE? IT WILL BE FARTHER WEST, FURTHER AWAY. WE CAN CAPTURE THE TRIPS HERE. ALSO A QUICK NOTE. THERE IS RIGHT-OF-WAY DEDICATION THAT'S PART OF THE AUSTIN METROPOLITAN AREA TRANSPORTATION PLAN. THAT WE WOULD BE WILLING TO DEDICATE NOW IN ADVANCE OF -- OF SITE PLAN SINCE IT'S ON THE PLAN AND IT'S BEEN REQUESTED, IT WOULD BE 43 FEET FROM EACH CITY PARK WEST AND CITY PARK EAST. BASED ON THE CIRCUMSTANCES AT CHAMPIONS REQUEST I THINK IS FAIR, CONSISTENT WITH GOOD PLANNING AND CONSISTENT WITH THE SETTLEMENT AGREEMENT. ALSO IF THIS WERE TO BE PASSED ON ONLY FIRST READING, SOMETHING MS. GLASGO AND I AND MR. LEGITIMATE AND MS. MATCHES HAVE DISCUSSED, IT MIGHT GIVE THE

COUNCILMEMBERS AN PUNT OPPORTUNITY FOR A FULL BRIEFING FROM THE CITY ATTORNEY AND PROVIDE US WITH AN OPPORTUNITY TO WORK ON POSSIBLY AN OVERALL PLAN FOR THE TRACTS TO ONCE AND FOR ALL PUT THIS TO REST. THANK YOU ALL. I DO HAVE HANDOUT IF I CAN -- ALSO FOR MS. GORDON AND MR. LLOYD.

Mayor Wynn: THANK YOU, MR. WAY LAND. MAYOR PRO TEM?

Goodman: MR. WHELLAN BEFORE YOU SIT DOWN, I HAVE ONE MORE QUESTION. YOU REFERRED EARLIER AND QUICKLY TO SOME -- SOME -- I DON'T KNOW IF YOU USED EXPERT, BUT THE IMPLICATION WAS THERE. AND A REPORT OR AN ASSESSMENT THAT YOU WERE GOING TO SHARE WITH MS. MATCHES, CAN YOU REPUTE WHAT THAT WAS, IN WHAT -- REPEAT THAT, SHARE THAT WITH US SINCE YOU ARE ASKING US FOR A DECISION.

I DIDN'T BRING ENOUGH. I WILL MAKE COPIES AND GET IT TO YOU. IT IS A 1994 REPORT BY JACK HOLFORD HIRED BY THE CITY OF AUSTIN IN CONNECTION WITH THE LAWSUIT THAT THE CHAMPIONS BROUGHT IN 1994 TO PRESERVE THEIR RIGHTS AS THEY EXISTED AT THAT TIME. THE SETTLEMENT AGREEMENT CAPTURED THOSE RIGHTS. IT IS HIS EXPERT REPORT WHICH ANALYZED WHAT THE CURRENT ORDINANCES WOULD ALLOW AT THE SITE. AND IT'S A VERY SHORT REPORT. I THINK LESS THAN 10 PAGES AND I CAN CERTAINLY GET TO IT EACH COUNCILMEMBER'S OFFICE.

Goodman: WELL I HAD REMEMBERED SOMETHING LIKE THAT ONLY IN A SLIGHTLY DIFFERENT ANALYTICAL CONTEXT. IS IT POSSIBLE FOR US TO GET A COPY OF THAT TONIGHT? BECAUSE NANCY HAS ACCESS TO A COPIER HERE.

ABSOLUTELY. I WILL GO GET IT AND GIVE IT TO HER.

Goodman: GREAT, THANK YOU. I'M SURE THERE WILL BE MORE QUESTIONS AFTER WE GET FEEDBACK. WE NOW TAKE UP CITIZENS WHO SIGNED UP IN FAVOR OF THE ZONING CASE. MARY CHAMPION ROBINSON, NOT WISHING TO SPEAK, IN FAVOR. SARAH CROCKER. LOOKS LIKE SHE WAS PREPARED TO DONATE TIME TO MR. WHELLAN, SIGNED UP IN FAVOR. IAN NEATJUANITA CHAMPION MEYER, NOT WISHING

TO SPEAK, IN FAVOR. YOAS SEE CHAMPION, WELCOME JOSIE CHAMPION, WELCOME. YOU WILL HAVE THREE MINUTES. MAYOR, MEMBERS OF THE COUPLE, THNG YOU FOR THIS OPPORTUNITY TO APPEAR BEFORE YOU TONIGHT. MY NAME IS JOSIE CHAMPION. I AM AN AUSTIN NATIVE, I LIVE AT 6700 LAKEWOOD DRIVE. I'M HERE TODAY WITH MY SISTERS, MRS. JUANITA MEYER AND MS. MARY MARGARET ROBBERSON. OUR FAMILY HAS OWNED THE TRACTS OF LAND THAT WE ARE COMMONLY REFERRING TO TONIGHT AS THE CHAMPION TRACTS. WE HAVE OWNED THOSE FOR OVER 100 YEARS. DURING THAT TIME, OUR FAMILY HAS PAID TAXES AND WATCHED AS DEVELOPMENT HAS GROWN TO SURROUND US. AND IN FACT EXTEND AS FAR TO THE WEST OF OUR LAND, FAR TO THE WEST OF OUR LAND. DURING THIS DEVELOPMENT, F.M. 2222, LOOP 360 AND CITY PARK ROAD HAVE DIVIDED OUR PROPERTY INTO SEVERAL DIFFERENT PARCELS. OUR PROPERTIES ARE NOW SITUATED AT THE INTERSECTION OF F.M. 2222 AND LOOP 360. ACROSS ROADS - - A CROSSROADS THAT IS SUITED TO, EVEN DESIGNED FOR INTENSE DEVELOPMENT. AS WE BEGAN TO CONSIDER DEVELOPMENT OF OUR REMAINING TRACTS, WE REALIZED THAT SOME NEW ORDINANCES WERE BEING PASSED. TO PRESERVE OUR RIGHTS AS THEY EXISTED UNDER THE THEN CURRENT ORDINANCES, WE WERE REQUIRED TO FILE A LAWSUIT IN 1994. AS A RESULT OF THAT LAWSUIT, WE ENTERED INTO A SETTLEMENT AGREEMENT WITH THE CITY OF AUSTIN AND AN AGREEMENT THAT WE BELIEVED SETTLED THE ISSUES REGARDING OUR RIGHTS TO DEVELOP THESE LANDS AND AN AGREEMENT THAT WE HAVE HONORED. IN MARCH OF 2000, HOWEVER, THE CITY COUNCIL PLACED A TRIP LIMITATION ON THESE TRACTS. WHICH TOTAL MORE THAN 200 ACRES. THAT LIMITATION HAS SEVERELY IMPAIRED OUR ABILITIES TO DEVELOP THE TRACTS AS WE UNDERSTOOD THAT THEY COULD BE DEVELOPED UNDER THE SETTLEMENT AGREEMENT. WE HAVE SOLD ONE TRACT OF LAND TO GABLES AND THEY HAVE BUILT 459 APARTMENTS AT THAT SITE. IN ADDITION WE HAVE OBTAINED A SITE PLAN FOR APPROXIMATELY 230,000 SQUARE FEET OF OFFICE SPACE ON ONE OF THE OTHER TRACTS. AS A RESULT, APPROXIMATELY 5,400 TRIPS HAVE BEEN USED AND WE ARE NOW LEFT WITH ONLY 1,100 TRIPS FOR APPROXIMATELY 70 REMAINING ACRES OF LAND. AS I

MENTIONED, I HAVE WATCHED OVER THE DECADES AS THE DEVELOPMENT HAS MOVED FROM MOPAC OUT F.M. 222 AND EVEN BEYOND 620. THE INTERSECTION OF F.M. 2222 AND LOOP 360 IS NOW PRACTICALLY IN THE HEART OF THE CITY AND THE DEMAND FOR DEVELOPMENT IN THIS AREA IS GREAT. WE ASK THAT YOU HONOR THE SETTLEMENT AGREEMENT WE ENTERED INTO WITH THE CITY AND LIFT THE CONDITION THAT'S HAVE BEEN IMPOSED ON THE TWO TRACTS OF LAND THAT ARE BEFORE YOU TODAY AND TO ALLOW FOR THE APPROPRIATE DEVELOPMENT AND USE OF THESE TRACTS. [BUZZER SOUNDING] THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MS. CHAMPION. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS] WITHOUT OBJECTION, THAT IS THE LAST OF THE CITIZENS SIGNED UP IN FAVOR OF THIS ZONING CASE. WE NOW WOULD TAKE UP THOSE CITIZENS SIGNED UP IN OPPOSITION AND THEN THE APPLICANT WOULD HAVE HIS -- WOULD HAVE HIS REBUTTAL. IT'S 5:30, HOWEVER. WHICH IS WHEN WE BREAK FOR OUR LIVE MUSIC AND PROCLAMATIONS. WE HAVE THE DAMNATIONS TODAY SO MY DAUGHTERS WILL BE TUNING IN HERE ANY MINUTE. WITHOUT OBJECTION WE WILL TABLE ITEMS Z-5 AND 6, GO TO OUR 5:30 LIVE MUSIC AND PROCLAMATIONS AND COME BACK AND TAKE UP THOSE CITIZENS WISHING TO SPEAK IN OPPOSITION. AND THE APPLICANT'S REBUTTAL. THANK YOU VERY MUCH, WE ARE IN RECESS. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

TEST TEST TEST.

Mayor Wynn: FOLKS, IF I COULD HAVE YOUR ATTENTION, PLEASE. IF I COULD HAVE YOUR ATTENTION, PLEASE. OR RATHER LEAVE -- IF YOU COULD JUST TAKE YOUR CONVERSATIONS OUTSIDE, WE WOULD APPRECIATE IT. THANK YOU VERY MUCH. IT'S TIME FOR OUR WEEKLY 5:30 LIVE CONCERT HERE AT THE AUSTIN CITY COUNCIL CHAMBERS. I WAS MISTAKEN, WE DON'T HAVE THE DAMNATIONS, BUT WE DO HAVE CHEVETTE. JOINING US IS AN ECLECTIC SINGER SONG I DIDN'T REMEMBER CHEVETTE. SHE COMBINES HER VOICE AND LYRICS AND CLASSICAL LATIN STYLE JAZZ GUITAR. SHE OOMS HAS A PASSION FOR

THE BUSINESS SIDE OF THE INDUSTRY AND ESTABLISHED HER OWN LABEL IN 1999. THE LABEL SOUND BITE PRODUCTIONS HAS SOLD HER FIRST CD, EVERYTHING BEGINS WITH ONE. SO PLEASE JOIN ME IN WELCOMING THE TALENTED CHEVETTE. [(music) MUSIC PLAYING (music)(music)] [APPLAUSE]

Mayor Wynn: SO TELL US WHERE CAN WE HEAR YOU SOON AND WHERE DOES ONE GET A COPY OF THE CD?

SOON I WILL BE AT WATERLOO ON THE NINTH ON 38TH STREET. AND GRAFITIS ON THE SIXTH OF MAY AND THE AUSTIN AIRPORT ON MAY 21st. AND YOU CAN GET MY CD FROM MY WEBSITE, IT'S WWW CHEVETTE.NET.

Mayor Wynn: THANK YOU. BEFORE YOU GET AWAY, WE HAVE A PROCLAMATION. AND IT READS: BE IT KNOWN THAT WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARDS THE DEVELOPMENT OF AUSTIN'S SOCIAL, ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATED EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AS THE LIVE MUSIC CAPITOL OF THE WORLD, THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM TODAY, MARCH 25TH, 2004, AS CHEVETTE DAY IN AUSTIN. AND CALL ON ALL CITIZENS TO CONGRATULATE THIS FINE TALENT.

Mayor Wynn: OKAY. OUR FIRST CERTIFICATE OF CONGRATULATIONS GOES TO OUR BELOVED PARKS AND RECREATION DEPARTMENT. AND IT READS: FOR HAVING RECEIVED THE GOLD MEDICINE AL AWARD, CLASS ONE, BESTOWED TO THE MOST OUTSTANDING PARKS AND RECRETION DEPARTMENT IN THE NATION AT THE AWARDS CEREMONY, THE AUSTIN PARKS AND RECREATION DEPARTMENT IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, COMPETING IN THE CATEGORY OF PARKS DEPARTMENT, SERVING A POPULATION OF OVER 250,000, PARD WAS RECOGNIZED FOR PROVIDING A DIVERSE ARRAY OF PARKS, RECREATIONAL ACTIVITIES AND SOCIAL SERVICES FOR OUR CITIZENS. THE DEPARTMENT MANAGES OVER 17,000 ACRES OF PARKLAND BOTH DEVELOPED AND

UNDEVELOPED, 17 RECREATION CENTERS, 47 SWIMMING POOLS, A GARDEN CENTER, FOUR MUSEUMS AND OTHER FACILITIES INCLUDING SPORTS COMPLEXES AND SENIOR CENTERS. AUSTIN PARKS AND REC ALSO OFFERS HUNDREDS OF PROGRAMS, MANY OF THEM AWARD WINNING, TO RESIDENTS IN OUR COMMUNITY. THIS CERTIFICATE IS ISSUED IN ACKNOWLEDGMENT OF OUTSTANDING ACHIEVEMENT AND IS PRESENTED WITH OUR CONGRATULATIONS THE 25TH DAY OF MARCH, 2004, BY THE ENTIRE AUSTIN CITY COUNCIL. AND PLEASE JOIN ME IN CONGRATULATING OUR PARKS DIRECTOR, WARREN STRIEWS. [APPLAUSE]

THANK YOU VERY MUCH, MAYOR. I JUST WANT TO SAY ON BEHALF OF THE PARKS AND RECREATION DEPARTMENT, IT IS INDEED A PRIVILEGE AS A PROFESSIONAL IN THIS BUSINESS FOR A LONG TIME TO ACCEPT THE BEST STATE -- BEST DEPARTMENT IN THE STATE OF TEXAS. WHAT THIS DOES FOR US AS YOU MAY GUESS IS THIS WILL BE THE SEGUE INTO OUR ATTEMPT TO BECOME THE BEST PARKS AND RECREATION DEPARTMENT IN THE NATION. WE ARE NOW TRYING TO MAKE THAT A REALITY AS WELL, MAYOR. AND I HOPE TO BRING IT TO YOU IN A YEAR, OKAY? LET ME JUST SAY A FEW THINGS REAL QUICKLY. FIRST OF ALL, WE COULDN'T DO IT WITHOUT THE MAYOR AND CITY COUNCIL. OBVIOUSLY THEIR SUPPORT HAS BEEN OUTSTANDING OVER THE YEARS. OBVIOUSLY WE NEED TO RECOGNIZE A WONDERFUL ALLY, AND THAT'S THE CITY MANAGER. CITY MANAGER, THANK YOU VERY MUCH FOR ALL OF YOUR SUPPORT AS WELL AS OUR ASSISTANT CITY MANAGER CHIEF MCDONALD. CHIEF, IT'S BEEN A PRIVILEGE WORKING WITH YOU AS WELL. YOUR SUPPORT IS OUTSTANDING. ALSO, A WONDERFUL, UNSELFISH GROUP, THE PARKS BOARD AND ALL THE ADVISORY BOARDS IN THE CITY THAT WORKS WITH THE PARKS AND RECREATION DEPARTMENT, IT IS AMAZING THE UNSELFISH DEDICATION TO THIS DEPARTMENT. IT TRULY IS AMAZING THE AMOUNT OF HOURS THAT THEY SPEND ON SUPPORT FOR YOUR PROGRAMS AND FOR YOUR PARKS. ALSO NEED TO TALK ABOUT THE GIVING OF THIS -- OF THE CITIZENS OF AUSTIN. THE CITIZENS OF AUSTIN CONTINUE TO GIVE THEIR VOLUNTEER HOURS EVERY YEAR THOUSANDS UPON THOUSANDS OF HOURS TO OUR PARK

SYSTEM ALL OVER YOUR RECREATION CENTERS, YOUR PARKS, YOUR SERVICES, YOUR POOLS, EVERYWHERE YOU LOOK YOUR CITIZENS OF AUSTIN ARE COMING OUT AND TAKING CARE OF THE PARKS AND RECREATION DEPARTMENT. AND LASTLY, I COULDN'T DO IT, WE COULDN'T DO IT, OUR PARKS AND RECREATION DEPARTMENT COULDN'T DO IT WITHOUT THE DEDICATION OF OUR EMPLOYEES. EVERY ONE OF OUR PARKS AND RECREATION EMPLOYEES. EVEN THOUGH IN SPITE OF SOME OF THE ECONOMIC AND FINANCIAL CHALLENGES WE'VE HAD IN THE LAST COUPLE OF YEARS, WHICH HAVE BEEN A CHALLENGE. EVERY ONE OF THOSE EMPLOYEES HAVE STEPPED UP TO THE PLATE. THIS IS A PERFECT RECOGNITION OF THIS EFFORT. STEPPED UP TO THE PLATE TO THINK THAT HAPPENED. WE DID NOT LET THAT STAND IN THE WAY TO BRING BACK THE NATIONAL RECREATION AND PARK AWARD TO THIS CITY. THANK YOU VERY MUCH, MAYOR. [APPLAUSE]

Mayor Wynn: ACTUALLY, WARREN, WHY DON'T YOU STAY UP HERE WITH ME BECAUSE IT WAS A PERFECT SEGUE INTO THIS NEXT AWARD, WHICH IS THE OUTSTANDING PARK PROFESSIONAL IN THE STATE AWARD, SPEAKING OF GREAT EMPLOYEES. SO IF ROBERT ARMISTED COULD JOIN US.

OH, THIS IS A SURPRISE ACTUALLY. THIS IS A CERTIFICATE OF CONGRATULATIONS. THE OUTSTANDING PARK PROFESSIONAL IN THE STATE AWARD IS ALSO REFERRED TO AS THE DAN WHITWORTH FELLOW AWARD. AND THIS CERTIFICATE OF CONGRATULATIONS READS, FOR HAVING RECEIVED THE PRESTIGIOUS AWARD BY THE TEXAS PARKS AND RECREATION SOCIETY FOR AN OUTSTANDING ACHIEVEMENT IN THE PARKS AND RECREATION FIELD, ROBERT ARM INSTEAD IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. DURING HIS 27 YEAR CAREER WITH THE CITY, HE HAS DEDICATED HIMSELF TO DEVELOPING AWARD WINNING PROGRAMS WITH THE AUSTIN PARKS AND RECREATION DEPARTMENT. ROBERT HAS EMPHASIZED THE IMPORTANCE OF EDUCATION AND TRAINING OPPORTUNITIES THROUGH HIS WORK WITH THE TEXAS PARK AND RECREATION SOCIETY AND THE NATIONAL RECREATION AND PARKS ASSOCIATION AND HAS SERVED AS A ROLE MODEL NOT ONLY TO MEMBERS OF HIS STAFF, BUT ALSO TO RECREATION PROFESSIONALS ACROSS THE STATE. THIS

CERTIFICATE IS ISSUED IN RECOGNITION OF HIS SERVICE TO ALL PORTIONS OF THE AUSTIN COMMUNITY THIS 25TH DAY OF MARCH, 2004. AND AGAIN BY THE ENTIRE AUSTIN CITY COUNCIL. PLEASE JOIN ME IN CONGRATULATING ROBERT ARMISTED. [APPLAUSE]

WELL, THIS WAS DEFINITELY A SURPRISE TOO. IT WAS KIND OF A SHOCK AT THE CONFERENCE TO RECEIVE THIS AWARD. AND ITS NAMED ON BEHALF OF A FORMER AUSTIN PARKS AND RECREATION EMPLOYEE, DAN WHITWORTH, WHO WAS DIRECTOR IN CORPUS CHRISTI, WHO PASSED AWAY THIS PAST SUMMER AND WAS A GOOD FRIEND OF OURS. AND IT WAS QUITE AN HONOR AND REALLY IT HAS EVERYTHING TO DO WITH NOT JUST ME, BUT THE EMPLOYEES OF THE PARKS AND RECREATION DEPARTMENT AND THE CITY OF AUSTIN AND ALL THE CITIZENS THAT WE WORK WITH. SO IT'S DEFINITELY AN HONOR AND I APPRECIATE IT. THANK YOU. [APPLAUSE]

Mayor Wynn: THE --

ROBERT, CONGRATULATIONS. ROBERT, I'VE KNOWN HIM FOR 25 YEARS AND HIS DEDICATION TO THIS ORGANIZATION IS BEYOND REAPPROACH. HE'S BEEN INCREDIBLE IN THE SERVICES THAT HE PROVIDES AND WE'RE VERY, VERY PLEASED AND PROUD OF HIM. ALSO, WE HAVE ONE LAST AWARD AND I'M GOING TO MAKE IT REAL QUICKLY. IF JEANNIE HENRY AND MARIA CICERLOLI WOULD COME UP. THIS IS THE TEXAS PARKS AND RECREATION SOCIETY ARTS IN HUMANITIES AWARD CLASS ONE. THIS IS ALSO AN AWARD TRAPS HAS BESTOWED UPON YOUR PARKS AND RECREATION DEPARTMENT FOR THE DAUGHERTY SUMMER ARTS CAMP, MARIA RECEIVING. CONGRATULATIONS. [APPLAUSE]

JEANNIE HENRY IS GETTING UP HERE. AND IF ALL THE STAFF FROM THE DAUGHERTY ARTS CENTER COULD STAND UP. THEY DO AN AWESOME JOB IN THE ARTS SCHOOL WITH THEIR SUMMER CAMPS, AFTER SCHOOL, ADULT AND SENIOR PROGRAMS. IT'S AN ACTIVE FACILITY FOR ARTS EDUCATION PROGRAMS, THEATER AND GALLERY. IT IS DEFINITELY AN AWESOME PLACE TO TAKE SOME PROGRAMS. IF YOU'RE INTERESTED IN THE ARTS, PLEASE LOOK AT OUR WEBSITE

AND YOU WILL FIND A VARIETY OF DISCIPLINES TO ENROLL IN. JEANNIE, DO YOU WANT TO ADD ANYTHING?

I JUST WANT TO SAY THANK YOU TO ALL THE STAFF. WE HAVE SEVERAL FULL-TIME STAFF WHO HELP MAKE THIS HAPPEN, BUT WE ALSO HAVE A LOT OF ARTISTS, WORKING ARTISTS IN THE CITY, THAT WORK FOR THE DAUGHERTY ARTS SCHOOL, WHETHER IT'S IN THE SUMMER CAMPS, AFTER SCHOOL PROGRAMS FOR THE CHILDREN, PROGRAMS FOR ADULTS, PRESCHOOL PROGRAMS. WE EMPLOY ABOUT 75 ARTISTS A YEAR DOING PROGRAMS IN OUR SCHOOLS TO SERVE THE CITIZENS OF AUSTIN IN THE ARTS AND WE THANK EVERYBODY FOR PARTICIPATING AND FOR ALL OF THE ARTISTS THAT ALSO BRING THEIR EXPERTISE TO OUR PROGRAM. [APPLAUSE]

Mayor Wynn: THE DAUGHERTY ARTS CENTER WAS A GOOD TRANSITION INTO OUR NEXT CERTIFICATE OF APPRECIATION THAT GOES TO ART MASTER'S FRAMING. AND THE CERTIFICATE READS: FOR THEIR GENEROUS SUPPORT OF THE ADAPTIVE ART PROGRAM OVER THE PAST FIVE YEARS, ART MASTER'S INC. IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. MARK AND CINDY PEARSON HAVE PROVIDED FREE FRAMING FOR LOW INCOME STUDENTS IN THE PROGRAM TO DISPLAY THEIR ARTWORK AT SHOWS AND SALES. MOST OF THE STUDENTS IN THE ADAPTIVE ART PROGRAM ARE BRAIN INJURED. THE SUPPORT OF THE PEARSONS HAVE ENABLED THEM TO DISPLAY THEIR CREATION TO THE BEST ADVANTAGE AND TO EARN INCOME FROM THE SALES OF THEIR ARTWORK. WE ARE PLEASED TO RECOGNIZE MARK AND CINDY PEARSON FOR THE DONATION OF THEIR TIME AND TALENT ON BEHALF OF FELLOW AUSTINITES IN NEED. THIS CERTIFICATE IS ISSUED WITH OUR APPRECIATION THIS 25TH DAY OF MARCH, 2004 BY THE ENTIRE AUSTIN CITY COUNCIL TO ART MASTER'S INC. AND THANK YOU ALL SO MUCH. [APPLAUSE]

HI. I'M THERESA MOSLEY AND I'M AN ADAPTIVE ART INSTRUCTOR HERE IN THE CITY. I HAVE A VOLUNTEER PROGRAM THAT I HAVE ANOTHER ARTIST THAT HELPS ME WITH. CURRENTLY WE HAVE A DISPLAY OR AN EXHIBIT OVER AT THE SMALL BUSINESS BUILDING AT 4100 ED BLUESTEIN HERE IN THE CITY OF AUSTIN. AND WE'RE

RECOGNIZING THIS IS NATIONAL WOMEN'S HISTORY MONTH, SO CINDY CALLED AND ASKED IF WE WOULD LIKE TO DISPLAY, SO ANY OF Y'ALL THAT HAVE AN OPPORTUNITY TO COME AND SEE THE ART ON DISPLAY AT 4100 ED BLUESTEIN, WE'D LOVE FOR YOU TO SEE THE EXHIBIT. IT'S WONDERFUL. AND WE JUST THANK YOU SO MUCH. AND MUCH THANKS TO MARK BECAUSE DUE TO HIS DONATIONS, MY ARTISTS ARE ABLE TO MARKET THEIR WORK AND HE'S JUST REALLY A CONTRIBUTION TO OUR PROGRAM. THANK Y'ALL. [APPLAUSE]

AS A CITIZEN OF AUSTIN, I'M SURE GLAD TO HELP OUT PEOPLE LIKE THIS. I RESPONDED TO AN AD, AND I WISH THERE WERE MORE PEOPLE OUT THERE THAT WOULD STEP FORWARD TO DONATE THEIR TIME OR MATERIALS TO HELP PEOPLE IN NEED. AND WHEN I SAW THIS AD, I WAS VERY HAPPY TO GIVE HER A RING TO HELP HER OUT AS MUCH AS I COULD. AND THEREFORE I'M AN ARTIST MYSELF, BUT I'VE DEVOTED ALL MY TIME TOWARDS THE BUSINESS, BUT I'M GLAD TO HELP OUT WHATEVER WAY I CAN. THANK YOU VERY MUCH. [APPLAUSE]

Mayor Wynn: NOW FOR THE UNIFORMS. WELCOME. THIS NEXT PROCLAMATION IS REGARDING WILDFIRE AWARENESS MONTH. I'M JOINED HERE BY CHIEF KEVIN BALM. THE PROCLAMATION READS, BE IT KNOWN THAT WHEREAS THE TEXAS FOREST SERVICE, TRAVIS COUNTY AND THE CITY OF AUSTIN RECOGNIZE THAT HOMES BUILT IN FORESTED OR WILD LAND ENVIRONMENTS MAY FACE FIRE DANGER BECAUSE OF POOR ACCESS, STEEP SLOPES AND LIMITED WATER SUPPLIES. AND WHEREAS FIRE PROFESSIONALS IN AUSTIN AND TRAVIS COUNTY DESIRE TO PREVENT TRAGEDIES LIKE THOSE THAT OCCURRED IN CALIFORNIA LAST FALL BY RAISING AWARENESS AND PROVIDING EDUCATION IN OUR COMMUNITY. AND WHEREAS THE MOST IMPORTANT COMPONENT OF THIS TYPE OF PREVENTION IS THE CONCEPT OF DEFENSIBLE SPACE IN AREAS SURROUNDING A HOME THAT HAS BEEN MODIFIED TO SEPARATE THE FUELS ON WHICH A WILDFIRE FEEDS ON THE HOME ITSELF. NOW THEREFORE I, WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HERE BY PROCLAIM MARCH 27TH THROUGH APRIL 3RD, 2004, AS WILDFIRE AWARENESS WEEK IN AUSTIN. I CALL ON ALL CITIZENS TO HELP US

PROMOTE THIS VERY IMPORTANT EFFORT AND CALL ON CHIEF KEVIN BAUM TO COME GIVE US A FEW MORE POINTERS SO WHAT WE CAN DO AS CITIZENS. AND CONGRAT LAILTIONS TO A FANTASTIC FIRE FIGHTING PROFESSIONAL CROWD IN THIS CITY AND COUNTY AND STATE. KEVIN BAUM.

THANK YOU, MAYOR. I'M JOINED HERE BY SEVERAL AUSTIN FIREFIGHTERS. SOME OF THEM ARE WEARING THEIR WILD LAND FIRE FIGHTING GRAB GASH. WE THOUGHT YOU MIGHT LIKE TO SEE HOW WE FIGHT THOSE FIRES. ALSO ARE SEVERAL OTHER FOLKS FROM THE FIRE DEPARTMENT, INCLUDING FIRE CHIEF GARY WARREN. FOR THOSE OF YOU THAT WERE BREATHING THIS PAST OCTOBER, YOU COULDN'T HELP BUT TO SEE IN A VERY TRAGIC WAY THE DEVASTATING POTENTIAL OF WILDFIRE WHEN IT RUNS THROUGH UNPREPARED COMMUNITIES. IN THE SPAN OF 30 DAYS, FIVE FIRES IN SOUTHERN CALIFORNIA DESTROYED OVER 3,700 HOMES. OVER 800 BUSINESSES, DESTROYED HUNDREDS AND HUNDREDS AND HUNDREDS OF THOUSANDS OF FORESTED ECHO SYSTEMS AND HABITATS, KILLED 22 PEOPLE AND RAN UP A DOLLAR AMOUNT OF ONE BILLION DOLLARS IN DAMAGE. WHAT YOU MAY NOT BE AWARE OF IS THAT RIGHT OUT THIS WINDOW IN WEST AUSTIN AND TRAVIS COUNTY AND IN CENTRAL TEXAS, THE AREA THAT WE AFFECTIONATELY REFER TO AS THE HILL COUNTRY, WE HAVE TOPOGRAPHY, GEOGRAPHY AND FUELS THAT ALMOST MIRROR WHAT THEY HAVE IN -- WHAT THEY HAD IN SOUTHERN CALIFORNIA AND BEFORE THEIR FIRES. WE ALSO HAVE THE HUMAN DEVELOPMENT, THE EXPOSURE TO HUMAN ASSETS IN OUR AREA. MOST OF THE EXPERTS THAT HAVE LOOKED AT WEST AUSTIN, TRAVIS COUNTY, AND I'M ONE OF THEM, BELIEVE THAT WE COULD HAVE A FIRE VERY MUCH LIKE WHAT THEY HAD IN SOUTHERN CALIFORNIA. MOST OF US BELIEVE THAT IT'S JUST A MATTER OF TIME. THE QUESTION IS WILL WE BE PREPARED. THE BEST TOOL WE HAVE TO REDUCE OUR RISK TO WILDFIRE IS EDUCATION. THIS COMING SATURDAY WE WILL BE UNVEILING A VERY UNIQUE PROGRAM TO RAISE OUR COMMUNITY'S AWARENESS OF THIS RISK. I CALL IT UNIQUE BECAUSE IT'S NOT JUST THE CITY OF AUSTIN. IT'S THE AUSTIN FIRE DEPARTMENT IN PARTNERSHIP WITH TRAVIS

COUNTY, THE TEXAS FOREST SERVICE, THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND OVER 14 DIFFERENT EMERGENCY SERVICES DISTRICTS THROUGHOUT THE AREA. WE HAVE ALL COMBINED FORCES AND RESOURCES TO MOUNT AN AMBITIOUS AND AGGRESSIVE EDUCATIONAL CAMPAIGN TO OUR CITIZENS TO MAKE THEM AWARE OF THE RISKS OF WILDFIRE. SO I'D LIKE TO INVITE ALL OF YOU TO COME OUT TO FIRE STATION 31 THIS COMING SATURDAY AT 9:30 IN THE MORNING AS WE UNVEIL THIS VERY IMPORTANT EDUCATIONAL PROGRAM. BE FIRE WISE. THANK YOU. [APPLAUSE]

Mayor Wynn: I WOULD LIKE TO WELCOME COUNCILMEMBER DARYL SLUSHER FOR THE NEXT PRESENTATION.

Slusher: THANK YOU, MAYOR. THANK YOU. THE PERSON I'VE APPOINTED SEVERAL TIMES TO THE ENVIRONMENTAL BOARD, TIM JONES, IS LEAVING THE BOARD, AND SO I WANTED TO HAVE HIM DOWN TODAY TO SAY A FEW WORDS ABOUT HIM. A LOT OF HIS FRIENDS AND SUPPORTERS HAVE GATHERED, INCLUDING I THINK MOST IF NOT ALL THE MEMBERS OF THE ENVIRONMENTAL BOARD. I'M GOING TO CALL THE CHAIRMAN UP IN A FEW MINUTES TO SAY A FEW WORDS. AND A LOT OF HIS SUPPORTERS AND FRIENDS FROM THE ENVIRONMENTAL COMMUNITY AND THE CITY IN GENERAL. I JUST WANT TO SAY A FEW WORDS ABOUT TIM FIRST. I POINTED OUT EARLIER THAT IT WAS COUNCILMEMBER NOFZIGER, MY PREDECESSOR, THAT ORIGINALLY APPOINTED TIM. AND I THINK THAT WAS A WISE DECISION. I THINK SOME PEOPLE DIDN'T NECESSARILY THINK SO AT THAT TIME, AND I'VE JUST STUCK WITH TIM THROUGH THE YEARS, AND I'M GLAD TO HAVE HIM THERE. WE STUCK WITH HIM THROUGH A COUPLE OF FRONT PAGE STORIES AND HE'S STUCK WITH ME THROUGH A COUPLE OF FRONT PAGE STORIES, AND I THINK THAT'S STRENGTHENED OUR BOND. AND THE MAIN REASON THAT I'VE CONTINUED TO APPOINT TIM IS BECAUSE HE'S ON THE GROUND OUT THERE DEALING WITH POLLUTION IN OUR WATERWAYS AND STOPPING IT. HE'S GOT A LONG RECORD EVEN BEFORE I THINK HE WAS ON THE ENVIRONMENTAL BOARD OF DOING THAT. HE WAS SO GOOD AT IT THAT THE NEXT DAY THE BARTON CREEK ASSOCIATION PURCHASED HIM A CAMERA OF THE -- OVER A DECADE AGO, ALMOST TWO DECADES

NOW. AND HE'S EXPOSED A LOT OF POLLUTION AND GOT IT CLEANED UP. I CAN REMEMBER BACK TRAVIS COUNTRY, EARLY '90'S OR LATE '80'S WAS PUTTING UP SEMI TREATED SEWAGE JUST STRAIGHT -- IT WAS LEAKING INTO THE CREEK. NOBODY KNEW THAT AT THE TIME. WHERE THE BIG ALGAE BLOOM WAS COMING FROM. AND IT WAS TIM THAT CAUSED THAT TO BE DISCOVERED, GOT THAT CLEANED UP. NOW THEY'RE ON THE CITY'S SEWER. WE DON'T HAVE THAT POLLUTION PROBLEM ANY MORE. HE'S SEEN FILM, HE'S TAKEN UP NOT JUST AT THE CITY LEVEL, BUT TO TXDOT AND GOT SOME OF THEIR PONDS CLEANED OUT. WE'VE STILL GOT A LITTLE WORK LEFT TO DO THERE. AND ON A NUMBER OF THINGS, NUMEROUS CONSTRUCTION SITES. BUT YOU CAN COUNT ON TIM TO BE THERE. AND HE'S NOT JUST A FAIR WEATHER ENVIRONMENTALIST EITHER. HE'S OUT THERE WHEN IT'S POURING DOWN RAIN, WHEN THE POLLUTION IS REALLY HAPPENING, HE'LL BE OUT THERE WITH HIS CAMERA. AND I THINK WE CAN COUNT ON HIM TO STILL BE DOING THAT, JUST NOT AS AN ENVIRONMENTAL BOARD MEMBER. SO I KNOW EVERYBODY IS DOWN HERE TO SUPPORT HIM TODAY, AND I THINK NO MATTER WHAT HIS NEXT STEP PROVES TO BE, AND I HOPE HE DECIDES AND WE ALL LET HIM DECIDE AT HIS OWN PACE OF WHAT HE WANTS THAT TO BE, BUT I KNOW THAT HE'LL BE HERE PROTECTING AUSTIN'S ENVIRONMENT LOOKING AFTER AUSTIN'S ENVIRONMENT, AND WE REALLY NEED HIM TO DO THAT. IT'S A TOUGH FIGHT THAT WE'RE ALL ENGAGED IN. AND WE NEED TIM JONES IN THAT FIGHT AND I KNOW WE'LL HAVE HIM WHETHER IT'S ON THE ENVIRONMENTAL BOARD OR NOW IN SOME CAPACITY AS A PRIVATE CITIZEN OR WHATEVER ROUTE HE CHOOSES TO TAKE. SO I'M GOING TO GET UP HERE AND PRESENT A CERTIFICATE TO HIM IN A MINUTE, BUT FIRST I WANTED TO LET THE CHAIRMAN OF THE ENVIRONMENTAL BOARD WANTED TO SAY A FEW WORDS ON BEHALF OF HIMSELF AND ALL TIM'S COLLEAGUES WHO HE'S SERVED WITH FOR SO LONG ON THE BOARD.

I REMEMBER THESE THINGS, MICROPHONES. I'M LEE LAUGHINGWELL, ENVIRONMENTAL BOARD CHAIR. AND ON BEHALF OF ALL THE BOARD MEMBERS AND I NOTICE A COUPLE OF OLD MEMBERS ARE HERE TONIGHT. I GUESS I SHOULD SAY PAST MEMBERS INSTEAD OF OLD MEMBERS.

JOYCE CONNOR AND MARY ARNOLD, I RECOGNIZE THEM ESPECIALLY. ANYWAY, I WOULD LIKE TO THANK TIM FOR HIS LONG AND STELLAR SERVICE ON THE BOARD AND FOR THE COMMUNITY. AND IN MY OPINION I WOULD LIKE TO SAY THAT I THINK OUR WATER IS A LITTLE CLEANER THAN IT WOULD HAVE BEEN AND OUR CENTRAL TEXAS CRITTERS ARE A LITTLE HEALTHIER THAN THEY WOULD HAVE BEEN IN LARGE PART BECAUSE OF TIM JONES. [APPLAUSE] AND FINALLY, I'D JUST LIKE TO SAY, TIM, THAT THIS CITATION THAT YOU'RE GETTING TODAY, THE BOARD WOULD LIKE TO SHOW ITS APPRECIATION BY HAVING IT MATTED AND FRAMED FOR YOU SO YOU CAN HANG IT ON YOUR WALL INSTEAD OF STICKING IT IN THAT BIG PILE OF PAPERS ON YOUR DESK. [LAUGHTER] SO YOU'LL BE MISSED, MY FRIEND. THANK YOU. [APPLAUSE]

Slusher: ALL RIGHT. I'M GOING TO LET TIM GET UP AND ASK HIM TO SAY A FEW WORDS IN A MINUTE, BUT I WANTED TO FIRST WE HAVE HERE FOR HIM A DISTINGUISHED SERVICE AWARD FOR HIS OUTSTANDING PUBLIC SERVICE DURING HIS 14 YEARS ON THE ENVIRONMENTAL BOARD. AND 25TH DAY OF MARCH, DISTINGUISHED SERVICE AWARD TO RECOGNIZE AND HONOR TIM JONES FOR HIS SERVICE TO THE CITY OF AUSTIN. AND REALLY NOT JUST THE CITY OF AUSTIN, BUT THIS ENTIRE REGION OF TEXAS. TIM, CONGRATULATIONS AND PLEASE COME UP AND SAY A FEW WORDS. [APPLAUSE]

I'M HONORED TO BE HERE. I DON'T KNOW WHAT TO SAY REALLY. IF I HAD KNOWN I HAD THESE MANY FRIENDS, I DON'T THINK I WOULD HAVE LEFT. I THINK THE LAST TIME I SAW SO MANY PEOPLE, OF MY FRIENDS LIKE THIS AROUND ME WAS I WAS IN COURT ON A TRESPASSING CHARGE. [LAUGHTER] I FELT LIKE I HAD GONE TO MY OWN FUNERAL. [LAUGHTER] I WANT TO SAY IT'S AN HONOR TO HAVE SERVED ON THE ENVIRONMENTAL BOARD FOR THE CITY OF AUSTIN. AND IT'S AN HONOR TO HAVE WORKED WITH THE WATERSHED PROTECTION STAFF. WHO ARE HERE, AND I DON'T THINK I'M GOING TO MENTION ALL YOUR NAMES BECAUSE I WOULD FORGET SOMEBODY AND THEY WOULD BE MAD AT ME OR BE HURT OR SOMETHING LIKE THAT. YOU KNOW WHO YOU ARE. AND THERE'S MANY WHO ARE HERE NOW, AND WHO HAVE BEEN HERE AND LEFT, THOSE INSPECTORS THAT WENT OUT WHEN I MADE A PHONE CALL,

AND IT WAS IN THE RAIN TOO. THEY WENT OUT THERE AND HELPED ME OUT ON THAT, AND WE WORKED TOGETHER A LOT. AND I REALLY APPRECIATE THAT. AND A LOT OF THE INVESTIGATIONS THAT WATERSHED PROTECTION STAFF DID BECAUSE OF THINGS THAT I FOUND AND THINGS THAT JOE AND NANCY AND THE REST FIXED BECAUSE OF THINGS THAT I FOUND. THAT I FOUND IN BARTON SPRINGS ON THE SOUTH SIDE OF THE PARKING LOT, WE GOT THAT FIXED, BUT IT HAD BEEN HITTING BARTON SPRINGS FOR A LONG TIME. I WANT TO THANK THE WATERSHED PROTECTION STAFF FOR ACTING ON THAT AND A NUMBER OF OTHER THINGS THAT I CAN'T EVEN REMEMBER NOW. I WANT TO THANK EVERYBODY ON THE BOARD THAT HAS WORKED WITH ME ALL THIS TIME. AND HOW THEY'VE SUPPORTED ME ON MOTIONS THAT I THOUGHT WERE THE RIGHT THING TO DO. AND WE'VE WORKED TOGETHER WELL ON A NUMBER OF THINGS. ANOTHER THING I WANTED TO SAY IS THAT IN THE 13 YEARS I'VE BEEN ON THIS BOARD, I DON'T THINK THE ENVIRONMENTAL BOARD WAS -- WELL, LET ME SAY THAT THERE'S AN AN EVOLUTION OF THE ENVIRONMENTAL BOARD AND THERE'S ACTUALLY BEEN AN EVOLUTION OF THE WATERSHED PROTECTION DEPARTMENT. IN ASSOCIATION WITH THE BOARD. BECAUSE WE USED TO MAKE RECOMMENDATIONS AND THEY MAY OR MAY NOT HAVE STUCK. IT SEEMS NOW THAT THE ENVIRONMENTAL BOARD, WE'RE A LITTLE HURT BECAUSE WE DON'T HAVE SO MUCH TO DO. AND ONE OF THE REASONS IS THAT STAFF HAS ADOPTED THE CONDITIONS THAT WE CONTINUALLY IMPOSE ON VARIANCES. SO THE IDEAS THAT WE HAD AND THE MEASURES THAT WE CAME UP WITH TO A GREAT EXTENT HAVE BEEN INCORPORATED INTO THE PROCESS. AND I'M VERY GRATEFUL FOR THAT AND IT INDICATES THAT THIS BOARD HAS BEEN A REAL HELP. AND I'M GLAD TO BE PART OF IT. AS FOR MY FUTURE, I GUESS A LOT OF PEOPLE SAW THAT I WROTE THAT I HAVE A CONDITION THAT IT LIMITS ME SOME. AND I WANT TO WORK ON GETTING OVER THAT AND CURING THAT UP, SO I HAVE A LITTLE MORE STRENGTH, CONTINUAL STRENGTH, BECAUSE I HAVE TO TAKE MEDICATIONS EVERY THREE HOURS, DRIVES MY NUTS. THERE'S PROGRESS IN MEDICINE, AND I HAVE FAITH THAT I CAN MOVE ON. AND I MAY BE BACK. I MIGHT REPLY TO THE ENVIRONMENTAL BOARD HERE IN THE FUTURE. [LAUGHTER]

ALL YOU DEVELOPERS OUT THERE, DON'T GET TOO COMFORTABLE I'M GONE. [LAUGHTER] [APPLAUSE] THANK YOU. WITH THAT I THINK I'LL END MY REMARKS. AND I'M NOT ENDING MY SERVICE TO THE COMMUNITY, YOU CAN BE SURE OF THAT. THANK YOU. [CHEERS AND APPLAUSE]

Alvarez: OKAY. WE HAVE JUST ONE MORE PROCLAMATION NOW THAT WE'RE DONE WITH THE PHOTOS. AND IT'S ANOTHER DISTINGUISHED SERVICE AWARD TO AN INDIVIDUAL THAT HAS DEVOTED THEIR TIME TO OUR BOARDS AND COMMISSIONS. AND IT'S SOMEONE I'VE HAD THE PLEASURE OF WORKING WITH WAY BEFORE I WAS ON THE CITY COUNCIL, AND I THINK WAY BEFORE SHE WAS ON ANY BOARDS AND COMMISSIONS, BUT WE WERE BOTH KIND OF DOING COMMUNITY WORK AND WORKING ON SMART GROWTH ISSUES, TRANSPORTATION ISSUES, LAND USE ISSUES. AND WHEN I GOT ELECTED, THEN I THINK -- WERE YOU ON THE TELECOM ALREADY? SHE WAS ALREADY ON THE TELECOMMUNICATIONS COMMISSION AND WE'RE GLAD THAT SHE COULD SERVE US IN THAT CAPACITY. AND THEN WE WENT AHEAD AND APPOINTED HER TO THE PLANNING COMMISSION, WHICH I THINK THE OLD VERSION OF THE PLANNING COMMISSION WHEN WE DIDN'T HAVE TWO, THE PLANNING AND THE ZONING AND PLATTING COMMISSION. SO THEN SHE GOT TO SERVE ON THE NEW VERSION OF THE PLANNING COMMISSION, WHICH JUST FOCUSED ON AREAS THAT WERE GOING THROUGH NEIGHBORHOOD PLANNING, SO I THINK SHE'S BEEN THROUGH THE COMMISSION WHEN IT WAS MEETING EVERY WEEK. SO AS YOU CAN MANUAL IN, THAT IS A GREAT COMMITMENT, GREAT TIME COMMITMENT TO BE AT A MEETING THAT LASTS SOMETIMES UNTIL, YOU KNOW, 12:00 O'CLOCK AT NIGHT OR ONE A.M., TWO A.M. LIKE OUR MEETINGS. BUT I BELIEVE THAT WITH THE NEW SYSTEM THAT THEY FINALLY HAVE GOTTEN TO THE POINT WHERE THEY CAN MEET EVERY OTHER WEEK. SO THE SYSTEM IS WORKING BETTER, BUT BECAUSE OF THE DEATH DEDICATION OF FOLKS LIKE OWE OLIVIA AND OTHER FOLKS THAT SERVE, REALLY SHE IS NO LONGER ABLE TO SERVE I GUESS BECAUSE SHE JUST HAD A BABY THREE MONTHS AGO.

FOUR AND A HALF.

Alvarez: FOUR AND A HALF MONTHS AGO.

[INAUDIBLE].

Alvarez: AND HERE'S HER BIGGEST SUPPORTERS, HECTOR AND SANDY SANITY SANTIAGO. AND I'M HOPEFUL THAT SHE'LL BE BACK TO SERVE AGAIN FOR THE CITY. AND I KNOW SHE'S VERY ACTIVE WITH OTHER COMMUNITY GROUPS, LIVEABLE CITY AND OTHER GROUPS THAT ARE ACTIVE ON COMMUNITY ISSUES. AND -- BUT WE HAVE IN EXCHANGE WENT AHEAD AND APPOINTED HER HUSBAND HECTOR TO THE PARKS BOARD, SO THE FAMILY IS STILL CONTRIBUTING TO THE WELL-BEING OF THE CITY. SO I REALLY JUST WANTED TO THANK LYDIA FOR HER SERVICE AND CERTAINLY THEIR WHOLE FAMILY AND PRESENT THEM WITH THIS DISTINGUISHED SERVICE AWARD THAT SAYS THAT WE ARE PLEASED TO RECOGNIZE AND HONOR LYDIA ORTIZ FOR HER OUTSTANDING BHIK SERVICE AND EXEMPLARY CONTRIBUTIONS AS A MEMBER OF THE CITY OF AUSTIN PLANNING COMMISSION AND HER PREVIOUS SERVICE ON THE TELECOMMUNICATIONS COMMISSION. THIS CERTIFICATE IS PRESENTED IN ACKNOWLEDGMENT AND APPRECIATION THIS 25TH DAY OF MARCH IN THE YEAR 2004, AND IT'S PRESENTED BY THE MAYOR AND CITY COUNCIL. SO MUCHOS GRACIS, LYDIA. [APPLAUSE]

THANK YOU, COUNCILMEMBER ALVAREZ. I WANT TO FIRST SAY THAT I'M VERY HONORED TO RECEIVE THE RECOGNITION TODAY, AND I WANT TO THANK MY HUSBAND FOR BEING SO SUPPORTIVE OF MY SERVICE ON THE CITY PLANNING COMMISSION AS WELL AS THE TELECOMMUNICATIONS COMMISSION. I ALSO WANT TO THANK MY FELLOW PLANNING COMMISSIONERS FOR HAVING THE CONFIDENCE IN ME TO ELECT ME AS CHAIR. AND FINALLY, I ALSO WANT TO INTRODUCE -- SORRY. I WANT TO THANK THE CITY COUNCIL FOR APPOINTING ME FIRST AS A CONSENSUS APPOINTEE AND THEN I WANT TO THANK COUNCILMEMBER ALVAREZ FOR LATER APPOINTING ME AS HIS APPOINTMENT. AND I ALSO WANT TO RECOGNIZE THE CITY STAFF, WHICH I THINK REALLY HAS HELPED THE PLANNING COMMISSION IN ITS WORK EVERY WEEK IN AND WEEK OUT. SO THE CITY SHOULD BE VERY PROUD OF ITS STAFF. IT'S VERY FAIR MINDED AND DEDICATED. SO I STAND

HERE VERY HONORED AND APPRECIATE THE AWARD. THANK YOU. [APPLAUSE]

Mayor Wynn: AT THIS TIME I'LL CALL BACK TO ORDER THE MEETING OF THE AUSTIN CITY COUNCIL. IF YOU REMEMBER, COUNCIL, WE HAD JUST HEARD ON THE Z-5, Z-6 CHAMPION ZONING CASES. DURING THE PUBLIC HEARING WE HAD JUST HEARD FROM THOSE CITIZENS IN FAVOR OF THE ZONING. WE'VE ALREADY HEARD THE APPLICANT' CASE. WE WILL NOW TAKE UP THOSE CITIZENS WHO SIGNED UP IN OPPOSITION. AND IN A BLATANT ATTEMPT TO CURRY FAVOR WITH THE COUNCIL, THEY HAVE LIMITED THE NUMBER OF THEIR SPEAKERS AND EVEN RECOGNIZED THE PRESENTATION TO BE MORE SUCCINCT. AND WITH THAT I'D LIKE TO CALL UP MR. CHERYL FARMER. WELCOME, SIR. YOU WILL HAVE THREE MINUTE.

CAN I HAVE SIX IF I'M SPEAKING ON TWO CASES?

WE'RE CALLING THEM TOGETHER. WE APPRECIATE YOUR -- WE'LL PROBABLY ASK QUESTIONS IF YOU DON'T GET ENOUGH INFORMATION TO US.

THANK YOU. I'M CHARLES FARMER REPRESENTING THE ELECTED BOARD OF THE RIVER PLACE COMMUNITY ASSOCIATION AS A MEMBER OF THE COALITION OF NEIGHBORHOOD ASSOCIATIONS FOR 2222. FIRST OF ALL I'D LIKE TO REBUT A COUPLE OF THINGS THAT MICHAEL WHELLAN SAID. I WOULD JUST LIKE TO POINT OUT THAT WE ARE NOT SINGLING OUT CHAMPION ASSETS. I THOUGHT IT WAS MISLEADING OF HIM TO POINT OUT THAT WE CANNOT OPPOSE THE CHANGE OF ZONING AT THE CORNER OF 620 AND 2222. THE REASON WE DID NOT OPPOSE THAT IS BECAUSE THERE WAS AN EXISTING JACK BROWN CLEANERS THERE AND THAT CASE WAS BROUGHT TO SPECIFICALLY BRING THE ZONING IN LINE WITH THE LAND. I THOUGHT IT WAS MISLEADING FOR HIM TO BRING THAT UP. THE THING IS WE DO NOT OPPOSE COMMERCIAL DEVELOPMENT ALONG THIS PART OF 2222. WHAT WE DO OPPOSE IS THE CITY COUNCIL APPROVING INCREASES IN DEVELOPMENT DENSITY WHEN THE TRAFFIC INFRASTRUCTURE IS NOT IN PLACE TO HANDLE IT. ESPECIALLY IF THERE'S SAFETY ISSUES WITH THE CURRENT TRAFFIC FRUK. NOW, CITY COUNCIL PUT THIS

6500 VEHICLE TRIPS PER DAY LIMITATION IN PLACE WITH A UNANIMOUS VOTE FOR GOOD REASON. AND THAT WAS THAT BOTH CITY AND STATE TRAFFIC STUDIES INDICATED THAT THIS SECTION OF 2222 AND THE INTERSECTIONS NEAR THIS PROPOSED DEVELOPMENT WERE FAILED AND ALSO SIGNIFICANT SAFETY ISSUES EXISTED. THOSE REASONS ARE EVEN MORE EVIDENT TODAY. IN 2003 THERE WERE OVER 120 COLLISION ACCIDENTS ON THE FIVE-MILE SECTION OF 2222 IN FRONT OF THIS DEVELOPMENT. TWO OF THEM WERE FATAL. THAT'S 10 COLLISION ACCIDENT A MONTH ON A FIVE-MILE STRETCH OF HIGHWAY INSIDE THE CITY LIMITS. UNDER CURRENT CONDITIONS, OBVIOUSLY AN UNACCEPTABLE SAFETY ISSUE EXISTS. NOW, HOWEVER, CURRENTLY APPROVED MAJOR COMMERCIAL DEVELOPMENTS HAVE NOT COME ONLINE YET. THERE'S A TARGET STORE, THERE'S A RIVER PLACE VILLAGE COMMERCIAL DEVELOPMENT, THERE'S A FOUR POINTS PLANNED USE COMMERCIAL DEVELOPMENT. AND MOST SIGNIFICANTLY, THE GABLE IS S APARTMENTS ON THE CHAMPIONS LAND HAVE NOT COME ONLINE. THIS IS THEIR CONTENTION THAT IT COULD NOT BE PROPERLY DEVELOPED WITHIN THE VEHICLE TRIP LIMITATION. THAT IS NOT TRUE. THEY KNEW THEY HAD THE VEHICLE TRIPS LIMITATION WHEN THEY STARTED CONSTRUCTION ON THIS PROJECT. THEY COULD HAVE CHOSEN TO BUILD A TWO-STORY APARTMENT COMPLEX INSTEAD OF A FOUR STORY APARTMENT COMPLEX AND HAD PLENTY OF VEHICLE TRIPS A DAY LEFT OVER TO DEVELOP THIS LAND. ARE THAT'S THE ESSENCE OF THIS CASE. THE CHAMPIONS ARE TRYING TO SQUEEZE EVERY DIME THEY CAN OUT OF THIS LAND AS THEY DEVELOP IT. AND WE CAN'T REALLY BLAME THEM FOR THAT. BUT YOU HAVE TO MAKE A BALANCE, AND THAT PAL IS BETWEEN A PERSON'S RIGHT TO USE THEIR PROPERTY AND THE SURROUNDING COMMUNITY'S RIGHT NOT TO HAVE THEIR SAFETY ENDANGERED BY THE USE THAT PROPERTY. AND IT'S OUR CONTENTION THAT ANY INCREASE OVER THE 6500 VEHICLE TRIP PER DAY LIMITATION WILL INCREASE THE DANGER OF TRAFFIC ACCIDENTS OCCURRING IN FRONT OF THIS PROPERTY AND THEREFORE INCREASE THE DANGER TO US AS THE SURROUNDING COMMUNITY. WE WOULD JUST LIKE TO POINT OUT THAT THE CITY COUNCIL -- [BUZZER SOUNDS]

IF I COULD JUST HAVE ONE MORE TIME.

Mayor Wynn: TAKE YOUR TIME AND CONCLUDE.

WHEN THE CITY COUNCIL MADE THIS DECISION TO PUT THIS LIMIT IN PLACE, IT WAS THE RIGHT DECISION AND IT WAS A GOOD EXAMPLE OF GOOD DEVELOPMENT POLICY. WE FEEL TO OVERTURN THAT DECISION WOULD BE WRONG AND WE ASK YOU NOT TO APPROVE ANY MORE INCREASES IN DENSITY UNTIL THE PROBLEMS WITH THE SAFETY ON THIS STRETCH OF HIGHWAY ARE FIXED. THANK YOU.

Mayor Wynn: THANK YOU, MR. FARMER. NEXT SPEAKER IS LYSETTE SMIDLY. WELCOME. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY CAROL LEE.

[INAUDIBLE - NO MIC].

IMPASSE YOU OUT A TOP POE -- IMPASSING OUT A TOP POE MAP ON THIS ISSUE. FOR YOUR HOURS PUTTING IN THE WORK ON THE CHAMPIONS TRACK, WE THE 20 PLUS NEIGHBORHOODS OF 2222 DID NOT SEND A DELUGE OF E-MAILS AND PHONE CALLS TO YOUR OFFICES, BUT WE COULD. NOW HAVE YOU BEEN THREATENED BY ALL SIDES? THAT WAS SUPPOSED TO BE A JOKE. [LAUGHTER] ONE SIDE IS CONCERNED ABOUT MAXIMIZING PROFITS, YES, AND THE OTHER SIDE IS CONCERNED ABOUT OUR SAFETY. CAN WE GET IN AND OUT OF OUR HOMES WITHOUT INCREASING OUR CHANCES OF INJURY FROM INTENSIFIED TRAFFIC ON THESE INTERSECTIONS IN SUCH A CONGESTED SPACE? SOME OF US ARE ALSO CONCERNED ABOUT THE SAFETY OF OUR FRESHWATER SOURCES. BULL CREEK IS THE SECOND LARGEST LOCAL CONTRIBUTOR TO THE COLORADO RIVER, THE SOURCE OF ALL OUR DRINKING WATER. HOW CLOSE CAN YOU BUILD A PARKING LOT TO A CREEK BED WITHOUT POLLUTING IT? WEST BULL CREEK, AS YOU'LL SEE FROM THE TOP POE MAP, FLOWS THROUGH THE CHAMPION TRACT. IN THE HALF MILE BETWEEN LOOP 360 AND CITY PARK ROAD, THE CREEK CROSSES UNDER 2222 2222 THREE TIMES. LOOK AT THE TOPOGRAPHY OF THIS LAND. INCREASING THE DENSITY WILL MEAN BUILDING ON TOP OF THE CREEK OR CUTTING DOWN THE SIDE OF THIS MOUNTAIN. ALSO THE ACREAGE THAT IS ON THE WEST SIDE OF CITY PARK ROAD IS

LESS THAN 100 YARDS FROM CITY PRESERVE LAND THAT IS DOCUMENTED GOLDEN CHEEK HABITAT. THE TWO SLIDES THAT Y'ALL ARE LOOKING AT ARE FROM THE TRACT THAT IS WEST OF CITY PARK ROAD. THIS BEAUTIFUL LITTLE STREAM THAT FEEDS INTO WEST BULL CREEK IS 50 FEET, 50 FEET FROM 2222. A HEALTHY WATERSHED AND HIGH DENSITY DEVELOPMENT CANNOT GO TOGETHER. AS OF 1999 TXDOT RATED THIS SECTION OF 2222 AT FAILURE RATING FOR THE ROAD CAPACITY FOR ALL THE CONSTRUCTION THAT HAD BEEN ALREADY APPROVED ON THAT PART OF THE LAND. -- ON THAT PART OF 2222. WE ALREADY OBSERVE AT THE TWO DRIVEWAYS THAT WERE CREATED BY THE CHAMPIONS ON 2222 AND 360 THAT RIGHT TURN ONLY SIGNS DO NOT INFLUENCE THE PATIENT AUSTIN DRIVER. BARRIERS WILL BE NECESSARY TO ENFORCE RIGHT TURNS ONLY. I'M A MEMBER OF GLEN LAKE COMMUNITY, WHICH IS OFF OF CITY PARK ROAD, AND WE'RE VERY CONCERNED THAT THESE TWO PIECES OF PROPERTY BEFORE YOU WILL HAVE TO HAVE INGRESS AND EGRESS ON TO CITY PARK ROAD RIGHT AS PEOPLE ARE TURNING OFF OF 22222222 ON TO CITY PARK ROAD. I'M OUT OF TIME, BUT I ALSO ASK YOU TO LOOK AT HOW THE CURRENT TIA PROPOSES FOR TRAFFIC TO TRANSITION FROM FOUR LANES TO SIX LANES TO FOUR LANES TO SIX LANES TO FOUR LANES TO SIX LANES TO FOUR LANES WITHIN A 1.25-MILE STRETCH OF 2222. [BUZZER SOUNDS].

IT SAYS ON THE CITY'S OWN FORM, CHANGES TO THE PROPOSED PROJECT REQUIRE A NEW TIA DETERMINATION TO BE MADE. THANK YOU.

Mayor Wynn: THANK YOU, MS. SMIDLY. CAROL LEE, WHO WILL BE FOLLOWED BY VICTOR ARMSTRONG, I BELIEVE.

MY NAME IS CAROL LEE AND I'M HERE TO READ A LETTER ON BEHALF OF THE PRESIDENT OF GLEN LAKE NEIGHBORHOOD ASSOCIATION, JOHN BUSH. AND THE BOARD OF DIRECTORS. THE GLEN LAKE NEIGHBORHOOD ASSOCIATION REPRESENTS 1 187 HOUSEHOLDS AND 450 CITY OF AUSTIN RESIDENTS. WE ARE ONE OF MORE THAN 20 NEIGHBORHOODS IN THE MASSIVE 2222 KONA ORGANIZATION YOU SEE REPRESENTED HERE. AS SUCH WE ARE FULLY IN SUPPORT OF KONA'S POSITION. WE THOUGHT

THE ZONING FOR THE CHAMPIONS TRACK WAS SETTLED WHEN THE CITY COUNCIL VOTED UNANIMOUSLY FOR THE CURRENT ZONING AND THE LIMITS. OBVIOUSLY THE SAFETY CONCERNS THAT THE COUNCIL NOTED IN 2000 STILL EXIST. FARM TO MARKET 2222 IS STILL SERIOUSLY OVERCAPACITY. IN FACT, TRAFFIC HAS GOTTEN STEADILY WORSE. AS TRAFFIC DENSITY ESCALATES, OUR ROADS BECOME SIGNIFICANTLY MORE DANGEROUS. SINCE CITY PARK ROAD, 2222 AND 360 ARE THE ONLY CORRIDORS FROM OUR NEIGHBORHOOD TO THE REST OF THE WORLD, THIS DIRECTLY PUTS OUR FAMILIES AT RISK OF BEING INVOLVED IN TRAFFIC ACCIDENTS AND FATALITIES. SOME OF YOU MAY REMEMBER THE LAST TIME 2222 WAS STRAINED PAST ITS DESIGN LIMITS. IN 1988 THERE WERE 500 ACCIDENTS PER YEAR ALONG THE FIVE-MILE STRETCH BETWEEN 620 AND LOOP 360. THIS MADE IT STATISTICALLY THE MOST DANGEROUS ROAD IN TEXAS. MANY OF US REMEMBER THE WHITE CROSSES THAT WERE EVERYWHERE ALONG THE ROAD SIDE. OUT OF 75 HOMES IN GLEN LAKE AT THAT TIME, THREE FAMILIES LOST CHILDREN IN SEPARATE ACCIDENTS ON 2222. ONE OF THEM A FOUR-PERSON FATALITY THAT KILLED THREE FRIENDS FROM OTHER NEIGHBORHOODS AS WELL. IN RESPONSE THE GNA SUCCESSFULLY LOBBIED FOR 2222 TO BE UPGRADED. AFTER CONSTRUCTION WAS COMPLETE, THINGS IMPROVED FOR A SHORT TIME, BUT TRAFFIC CONTINUED TO INCREASE. NOW IN 2004, 2222 IS ONCE AGAIN DANGEROUSLY PAST ITS CAPACITY. ACCORDING TO TXDOT, IT WAS AT 300% OF CAPACITY IN 1999 AND SURELY IS A MULTIPLE OF THAT NOW. IN SPITE OF ALL THESE FACTS AND DESPITE THE COUNCIL'S EARLIER OVERWHELMING CONSENSUS, THIS DEVELOPER IS BACK TO ASK YOUR PERMISSION ONCE AGAIN TO ADD MORE CARS TO THESE ROADS. WE ABSOLUTELY CANNOT AGREE. FOR THE SAFETY OF OUR CHILDREN AND FAMILIES, WE ASK THAT YOU ACT RESPONSIBLY, DO THE CONSISTENT THING, THE REASONABLE THING, AND THE RIGHT THING AND VOTE AGAINST RAISING THE BTD. VTD. FROM JOHN BUSH, GNA PRESIDENT. DO I STILL HAVE TIME?

YOU HAVE 15 SECONDS.

I WOULD LIKE TO SAY AS AN INDIVIDUAL NOW, NOT REPRESENTING THE GNA BOARD, THERE'S ONE ISSUE THAT

BOTHERED ME WHEN I ATTENDED THIS HEARING AT THE ZONING AND PLATTING. AND THAT WAS COMMISSIONER JOHN MICHAEL CORTEZ, I BELIEVE IT WAS, ASKED A QUESTION. [BUZZER SOUNDS] WHAT HAD CHANGED IN THE LAST TWO YEARS BECAUSE THEY HAVE SEEN SUCH A RASH OF REQUESTS FOR DEVELOPMENT. AND THAT QUESTION NEVER GOT ANSWERED. AND I'VE BEEN THINKING ABOUT IT, AND I THINK -- ONE OF MY THEORIES IS THAT THE WATER, AS I UNDERSTAND IT, A FEW YEARS AGO PEOPLE NO LONGER HAD TO PAY A RECOVERY TO 3 M TO DEVELOP ALONG THERE, TO RECOVER FOR 10 YEARS IF ANYBODY BUILT, THEY HAD TO HELP 3 M RECOVER THAT COST. AND SO THAT SEEMS LIKE THAT MIGHT HAVE BEEN SOMETHING THAT OPENED IT UP. AND JUST ONE MORE FACTOR OF THINGS THAT HAVE CHANGED IN ADDITION TO ALL THE DEVELOPMENT THAT WARRANTS A COMPREHENSIVE LOOK BEFORE CONTINUING TO ADD TO THE PROBLEMS OF THIS AREA. VICTOR ARMSTRONG, FOLLOWED BY KATE BRINDLE.

MY NAME IS VICTOR ARMSTRONG, A 28 YEAR RESIDENT OF CITY PARK ROAD. FOR ALL OF NEWCOMERS, I WAS BORN HERE IN 1937 I STILL LIVE HERE AND I'M A PRACTICING ARTIST. THIS IS FOR ALL-- THE THINGS YOU DID EARLIER. I'M A PRACTICING ARTIST, HAVE WORKED AS AN ARTIST HERE FOR 30 SOMETHING YEARS. REGARDING THE ENTRANCE TO THE JEWEL OF THE PARKS OUT THERE, AND OVER VERY HIGHLY ENVIRONMENTALLY SENSITIVE AREA. THAT COVERS ALL YOUR CERTIFICATES AND I THINK THAT'S GOOD RIGHT THERE. NOW, THE THINGS THAT HAVE CHANGED, NUMBER ONE IS THE NUMBER. AND I'M -- IS THE TRAFFIC. AND I'M A VERY VISUAL PERSON, SO I WOULD LIKE FOR YOU TO VISUAL A LITTLE BIT. WITHIN THE LAST FIVE YEARS THE BEDROOMS THAT ARE BUILT IN THE APARTMENTS OF THE GABLES, ON UP THE HILL AND AROUND THE CORNER, NOT HEADING DOWN TOWARD STEINER RANCH OR ANYTHING, BUT RIGHT AROUND THE CORNER, REPRESENT THE HILTON, THE RADISSON, THE FOUR SEASONS, THE HYATT, THE OMNI, THE DRIS CAL, THE CROWN PLAZA AND THE EMBASSY SUITE DOWNTOWN. THINK OF THE EFFECT THAT THAT HAS ON THE DOWNTOWN AREA. THE TRAFFIC OUT THERE BACKS UP THREE QUARTERS OF A MILE WITH REGULARITY. IF YOU LEAVE HERE TODAY AND YOU PULL OUT OF THAT DRIVEWAY,

THE CAR THAT'S WAITING ON THE RED LIGHT IS AT EXPO EXPOSITION. IF YOU GO THE OTHER WAY, THE CAR THAT'S GETTING READY TO TURN INTO LINES UP THERE IS HOW MUCH TRAFFIC, TWO LANES IS BACKED UP. NOW THAT I'VE SAID THAT, I'D LIKE TO GET TO WHERE THE REAL ISSUE OF THIS THING IS BECAUSE MOST PEOPLE HAVE BEEN TALKING ABOUT 360 AND 2222, WHICH YOU'RE LOOKING AT, IS CITY PARK ROAD. CITY PARK ROAD IS THREE MILES LONG. THERE'S ONLY ONE SPOT ON THERE THAT YOU CAN PASS. AND THAT'S GOING UP A HILL. A MILE AND A HALF OF CITY PARK ROAD, EITHER ON ONE SIDE OR THE OTHER, OR BOTH SIDES, IS BCC PROPERTY, BCCP PROPERTY. THERE'S NO PLACE TO GO. THE ROAD WINDS, IT'S TWO LANES, THERE'S NO SHOULDERS, 43 FEET ON ONE SIDE THAT THE CHAMPIONS ARE OFFERING YOU IS THE CREEK. ON THE OTHER SIDE THEY DON'T OWN THE CORNERS, SO WHAT GOOD DOES IT DO? IT JUST A MATTER OF TRYING TO PROTECT THIS CITY PARK ROAD AREA THAT IS ALSO WHERE ALL THE CITIZENS OF AUSTIN USE TO GET INTO EMMA LONG METROPOLITAN PARK. THIS THING NEEDS MORE STUDY. THIS THING NEEDS TO KNOW WHERE PEOPLE ARE GOING AND WHAT THEY'RE DOING. THERE'S ONE OTHER THING THAT YOU GUYS NEED TO CONSIDER. 360, STATE HIGHWAY. 2222, STATE HIGHWAY. CITY PARK ROAD, YOU GUYS PAY FOR IT. BECAUSE ONE DAY YOU'RE GOING TO HAVE TO -- YOU'RE GOING IN THERE AND FIGHT THE ENVIRONMENTALISTS ON THE CREEKS AND EVERYTHING ELSE TO TRY TO WIDEN THAT ROAD UP THERE, AND THERE'S NOTHING THAT YOU CAN PUT THERE. THERE'S NO SERVICE STATIONS, THERE'S NOTHING LIKE THAT BECAUSE OF THE CREEKS. HOW MANY MORE CLEANERS AND TANNING SALONS AND REAL ESTATE OFFICES AND NAIL PLACES CAN YOU PUT? LIKE I SAY, THANK YOU FOR HEARING ME, AND HOPEFULLY YOU'LL LOOK INTO THIS FURTHER AND NOT MAKE A QUICK DECISION TONIGHT. THANK YOU.

Mayor Wynn: THANK YOU, MR. ARMSTRONG. PATE BRIN DELL. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

THANK YOU VERY MUCH MAYOR AND COUNCILMEMBERS. I CAME HERE TONIGHT TO HEAR THE PERFORMANCE, AND I'M DISAPPOINTED IT DIDN'T GO FORWARD. ACTUALLY, I REPRESENT THE JESTER BOARD. THERE ARE ABOUT A

THOUSAND HOMEOWNERS IN JESTER ESTATES AT THIS POINT. WE'RE VERY, VERY CLOSE TO THE PROPERTY IN DISCUSSION. ABOUT THREE YEARS AGO, THE COUNCIL MADE WHAT WE CONSIDER TO BE A VERY, VERY WISE AND GREAT DECISION. AND IT WAS A UNANIMOUS DECISION. THE DECISION WAS TO ALLOW THE LANDOWNERS AND THE DEVELOPERS A VERY REASONABLE PROFIT AND RETURN ON THEIR INVESTMENT, AND WE ENCOURAGED THAT. BUT ALSO THAT WAS COUPLED WITH THE CURVING OF THE TRIP GENERATION ON AN OVERCAPACITY FM 2222 WITH A CAP OF 6,500 TRIPS PER DAY THAT YOU'VE HEARD ABOUT. NOW WE'RE BACK IN FRONT OF YOU AT THE REQUEST OF THE CHAMPIONS. AND JESTER ESTATES' REQUEST IS VERY SIMPLE. WE WOULD LIKE FOR YOU TO PLEASE UP HOLD THE UNANIMOUS DECISION OF THE PREVIOUS COUNCIL AND VOTE NO ON THIS REQUEST OR THESE TWO REQUESTS. I REQUEST FOR A VOTE OF NO -- OUR REQUEST FOR A VOTE OF NO IS SUPPORTED BY ALL THE NEIGHBORHOODS AND THE BULL CREEK FOUNDATION. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU, MR. BRINDLE. COUNCIL, I SAW THAT CITIZENS HAD SIGNED UP IN OPPOSITION OF THIS CASE. AT THIS TIME THE APPLICANT AGENT, MR. WHELLAN, WILL HAVE A THREE MINUTE REBUTTAL.

REALLY I WANT TO ADDRESS JUST A FEW POINTS AND ENCOURAGE ANY QUESTIONS THAT YOU HAVE. I MENTIONED THE JACK BROWN, THE 1.256 ACRES ONLY AS AN EXAMPLE BECAUSE IT WAS THE MOST RECENT ONE. WE ALMOST HAD ONE, BUT COUNCILMEMBER CAUGHT IT TODAY. IT WOULD HAVE BEEN OUR SECOND EXAMPLE WITH NO OPPOSITION. BUT THE EXAMPLES ARE NUMEROUS. MR. ZAPALAC CAN PROVIDE YOU WITH THOSE EXAMPLES. THERE ARE TWO OR THREE I THINK HE'LL TELL YOU EXAMPLES WHERE THERE WERE LIMITATIONS PUT ON TRIPS UP AND DOWN 2222, BUT THE MAJORITY OF THEM HAVE BEEN DONE BY CONSENT. AND THAT'S BECAUSE THE REALITY IS A MILLION MORE PEOPLE, A MILLION MORE PEOPLE ARE GOING TO BE IN CENTRAL TEXAS IN THE NEXT 30 YEARS OR SO. WE CAN LET THEM SPRAWL OUT AND CONTINUE TO USE 2222 AND CAN CREATE ALL OF THESE PROBLEMS, OR WE CAN GET THEM AS CLOSE AS WE CAN INSIDE THE CITY LIMITS. AT THE CROSS-SECTION OF A MAJOR HIGHWAY. THE SAFETY ISSUE I

THINK IS AND WILL BE, CONTINUE TO BE ADDRESSED AT SITE PLAN WHEN YOU TALK ABOUT DRIVEWAY. THE NUMBER OF TRIPS IS NOT GOING TO GO DOWN BASED ON ANYTHING WE DO AT THIS CORNER ON THE CHAMPION TRACT. IT'S SPRAWLING FURTHER OUT. THEY'RE GOING TO LAND HERE IN CENTRAL TEXAS. I DID THINK -- I THOUGHT THAT MR. ARMSTRONG MADE A GOOD POINT ABOUT THIS NEEDING MORE ANALYSIS. THAT'S WHY I WOULD ENCOURAGE YOU AS I DID AT THE END OF MY PRESENTATION BEFORE TO CONSIDER THIS ON FIRST READING ONLY FOR THE TWO TRACTS, AND TO HAVE A TRIP LIMITATION OF 2,000. I DON'T THINK THAT COMPORTS WITH THE SETTLEMENT AGREEMENT, BUT THAT GIVES US, MYSELF, THE CITY COUNCIL, THE CITY ATTORNEY'S OFFICE, A CHANCE TO EXAMINE THE ENTIRE 2 HUNDRED ACRES, ALL SIX TRACTS TOGETHER, TO SEE IF THERE IS A COMPREHENSIVE PROPOSAL THAT CAN BE BROUGHT FORTH THAT'S REASONABLE, THAT'S FAIR AND THAT'S CONSISTENT WITH CITY POLICY FOR THE INTERSECTION OF TWO MAJOR HIGHWAYS. WITH REGARD TO CITY PARK ROAD, AGAIN, IT IS IN THE METROPOLITAN TRANSPORTATION PLAN TO WIDEN IT, AND THE CHAMPIONS ARE PREPARED TO GIVE THE 43 ACRES ON EACH SIDE NECESSARY, WHICH IS PART OF THE PLAN AS IT CURRENTLY EXISTS. I THINK WITH THAT I'M GOING TO SIT DOWN AND SEE IF THERE ARE ANY QUESTIONS. BEFORE DOING SO, I HOPE THAT MS. MATCHUS WAS ABLE TO COPY FOR YOU THE REPORT. AND IF THERE ARE ANY QUESTIONS, I THINK ON PAGE 2 AT THE TOP IT REFLECTS THAT IT WAS AN EXAMINATION UNDER THE CURRENT ORDINANCES AT THAT TIME, THE LEVEL OF IMPERVIOUS COVER AND THE DENSITY THAT WAS TO BE EXPECTED AT THIS KEY LOCATION IN OUR CITY. THANK YOU ALL VERY MUCH.

Mayor Wynn: THANK YOU, MR. WEIGH LAN. -- WHELLAN. QUESTIONS FOR THE APPLICANT, COUNCIL? FOR STAFF? IF NOT, I'LL ENTERTAIN A MOTION -- REGARDLESS, I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

Dunkerley: MOVE APPROVAL.

Mayor Wynn: MOTION BY THE MAYOR PRO TEM, SECONDED BY COUNCILMEMBER DUNKERLEY TO CLOSE THE PUBLIC

HEARING. FURTHER COMMENTS? ALL IN FAVOR? OPPOSED?
THE PUBLIC HEARING IS NOW CLOSED. COMMENTS,
QUESTIONS? MOTIONS?

Dunkerley: MAYOR.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: SOME COMMENTS. I'M HEARING THE NEIGHBORHOOD ON THE ROADS. I KNOW THAT'S A PROBLEM. BUT I ALSO FEEL THAT THERE'S ANOTHER ISSUE THAT THIS PARTICULAR FAMILY HAS OWNED THIS TRACT OF LAND FOR A LONG TIME, AND IF THEY HAD RUSHED TO DO THEIR DEVELOPMENT EARLY AND PRECEDED ALL THE DEVELOPMENTS THAT HAD OCCURRED FURTHER OUT, THEY PROBABLY WOULDN'T BE HERE TODAY. SO I DO THINK THAT WE NEED TO HAVE SOME STUDY TO TRY TO LOOK AND SEE IF WE COULD COME UP WITH A FAIR AGREEMENT. I THINK THE UNDERLYING ISSUE IS TO USE ALL OF OUR PERSUASION, COERCION, WHATEVER WE HAVE, IN ORDER TO GET THAT ROAD FIXED AS SOON AS POSSIBLE BECAUSE THAT'S THE REAL THING I HEAR YOU TALKING ABOUT, WE NEED TO HAVE THE ROAD FIXED. AND WHETHER IT'S DEDICATED LEFT TURN LANES OR REWORKING THAT INTERSECTION OF 360 AND 2222 OR WHATEVER IT IS, I HOPE THAT OUR COUNCILMEMBERS WHO ARE ON THE -- THE CAMPO OR ROAD PLANNING GROUP CAN REALLY PUSH HARD TO TRY TO GET THAT DONE. I THINK I WOULD MAKE A MOTION RIGHT NOW, FULLY BELIEVING WE NEED SOME MORE ANALYSIS ON THIS TRIP ISSUE IN A COMPREHENSIVE WAY. BUT IF I COULD -- ON FIRST READING ONLY, PROPOSE A MOVE THAT WE ADOPT THE ZAP RECOMMENDATION AND THEN COME BACK FOR SECOND AND THIRD READING WITH A BETTER ANALYSIS OF WHAT A REASONABLE TRIP LIMITATION IS. SO THAT WOULD BE MY RECOMMENDATION.

Thomas: I'LL SECOND THAT.

Mayor Wynn: SO MOTION BY COUNCILMEMBER DUNKERLEY AND SECONDED BY COUNCILMEMBER THOMAS TO APPROVE THE ZAP RECOMMENDATION OF FIRST READING, BUT WITH INSTRUCTIONS -- SORRY, I WASN'T PAYING CLOSE ATTENTION. THE INSTRUCTION PART OF YOUR POSSESSION

MOTION?

Dunkerley: TO GIVE THE STAFF AND THE NEIGHBORHOOD AND THE OWNERS TIME TO SEE IF THEY CAN COME UP WITH A RECOMMENDATION ON THE TRIPS, THE LIMITATIONS THAT ARE FAIR AND REASONABLE FOR THIS PROPERTY, AND FOR THE USES THEY MAY HAVE THERE. SO IN OTHER WORDS, A BETTER ANALYSIS, COME BACK WITH A COMPREHENSIVE PROPOSAL ON TRIPS.

Mayor Wynn: OKAY. MOTION AND A SECOND IS ON THE TABLE. COUNCILMEMBER SLUSHER.

Slusher: I HAVE A QUESTION OF MR. WHELLAN. MS. CHAMPION SAID EARLIER, AND I MISSED THE SECOND PART OF IT. THERE'S A 449 UNIT APARTMENT COMPLEX BUILT THERE, AND THEN SHE MENTIONED A COMMERCIAL PROJECT I THINK THAT'S COMING UP?

YEAH. IT'S A FRONT -- MAY I WALK OVER AND SHOW WHERE IT IS QUICKLY?

Slusher: SURE.

AT THE FRONT OF WHAT'S CALLED TRACT 1 RIGHT HERE, THIS IS -- RIGHT HERE. AT THE NORTHWEST CORNER UP ABOVE ON A BLUFF, IT'S BEEN CITED, A SITE PLAN HAS BEEN APPROVED AND A SITE PLAN ISSUED FOR 2,000 SQUARE FEET OF OFFICE, A LOW LEVEL OFFICE. BECAUSE OF THE TOPOGRAPHY GOING UP, IT'S NOT VIEWABLE FROM ANY OF THE SURROUNDING NEIGHBORHOODS, BECAUSE OF THE TOPOGRAPHY.

Slusher: SO 230,000 SQUARE FEET OF OFFICE SPACE AND 449 UNIT APARTMENT COMPLEX.

AND I THINK IF YOU LOOK AT MR. HOLFORD REPORT, I THINK HE HAD FIGURED THAT. HE HAD GOTTEN THAT RIEVMENT I THINK HE HAD LESS APARTMENTS THAN HE HAD ORIGINALLY CONSIDERED. HE HAD SOMETHING LIKE 600 IN HIS PROPOSAL, BUT YOU HAVE IT IN FRONT OF YOU. I COULD GO BACK AND LOOK AT IT AS WELL.

Slusher: OKAY. THANK YOU. I'M NOT GOING TO BE SUPPORTING THE MOTION. I THINK IT WAS FAIR, THE DECISION THE COUNCIL REACHED THE FIRST TIME. I DON'T BUY THAT THIS IS AN URBAN INFILL PROJECT OR A WAY TO FIGHT URBAN SPRAWL BECAUSE IT'S PRETTY FAR OUT THERE. IT IS AN INTERSECTION OF TWO HIGHWAYS, BUT I JUST DON'T QUITE SEE IT LIKE THAT. I THINK WE HAVE A SERIOUS PUBLIC SAFETY ISSUE HERE ON 2222. I THINK THAT'S VERY APPARENT. SO I CAN'T SUPPORT KICKING UP THE NUMBER OF TRIPS. AND I THINK WITH THE 459-UNIT APARTMENT COMPLEX, NOW AN OFFICE BUILDING COMING IN, THAT'S QUITE A BIT OF DEVELOPMENT FOR THIS AREA ALREADY. AND I THINK THAT SHOWS THAT THE -- THAT MUCH IS ALLOWED AND THERE WILL BE MORE ALLOWED UNDER WHAT THE COUNCIL APPROVED A FEW YEARS AGO.

Mayor Wynn: I HAVE A COUPLE OF QUESTIONS PROBABLY FOR MR. ZAPALAC. PROBABLY THE ISSUE HERE OR A MAJOR ISSUE HERE IS 2222 ITSELF, THE ROADWAY. DO WE HAVE A GRAPHIC OR CAN YOU WALK US THROUGH? I DRIVE IT FREQUENTLY. I CAN VISUALIZE MOST OF IT, BUT THE DELINEATIONS BOTH ON THE GROUND TODAY, ON THE MAJOR SEGMENTS, OBVIOUSLY MOPAC TO 360, 360 TO 620 AND IJ EVEN IN THAT SEGMENT THERE THERE'S A DIFFERENT PROFILE SPORE SPORADICALLY THROUGHOUT THE ROAD. AND HOW IT SHOWS ON THE CITY'S TRANSPORTATION PLAN AND HOW IT'S DESIGNATED IN THE CAMPO LONGER TERM PLAN. AND IF WE CAN GET TO THAT, THEN WHAT -- START TO HANDICAP THE TIMING AND PROCESSES FOR IMPROVEMENTS, SAFETY IMPROVEMENTS SPECIFICALLY FOR THAT ROADWAY.

MAYOR, I'M NOT SURE I CAN ANSWER ALL YOUR QUESTIONS, BUT I CAN ATTEMPT TO. THE CURRENT PROFILE OF THE CROSS-SECTION OF THE ROAD IN THIS AREA IS A FOUR-LANE SECTION WITH A TWO-WAY CENTER TURN LANE. THAT RUNS FROM LOOP 360 TO ABOUT THE BOTTOM OF THE TUMBLEWEED HILL. AND THEN IT NARROWS DOWN TO JUST FOUR LANES WITHOUT THE TWO-WAY LEFT TURN LANE. AND THEN AGAIN AT THE TOP OF THE HILL, GETTING CLOSER TO 620, THERE IS THE CENTER LEFT TURN LANE AGAIN. THE CITY'S TRANSPORTATION PLAN AND I BELIEVE THE CAMPO PLAN CURRENTLY BOTH CALL FOR A FOUR-LANE DIVIDED

ROAD, WHICH WOULD MEAN EITHER A MEDIAN OR THE TWO-WAY LEFT TURN LANE FOR THE ENTIRE LENGTH. BASED ON DISCUSSIONS I'VE HAD WITH TXDOT AND OTHER CITY STAFF, THERE IS -- THE CAMPO PLAN IS CURRENTLY BEING UPDATED AND THERE WILL BE AN EXAMINATION OF A POSSIBLE SIX-LANE DIVIDED CROSS-SECTION FOR THE LONG-TERM CAMPO PLAN THAT HASN'T BEEN ADOPTED YET, AND OF COURSE IT HAS TO GO THROUGH ALL THE PROCESSES, BUT IT WILL BE ONE OF THE POSSIBILITIES THAT IS LOOKED AT. I DON'T KNOW IF I ANSWERED ALL YOUR QUESTIONS, BUT --

Mayor Wynn: THAT WAS A GOOD START. THANKS, GEORGE. BUT AGAIN CURRENTLY ON THE GROUND TODAY ON THE ROAD, WE HAVE THIS SEGMENT THAT WE TALKED ABOUT THAT'S CURRENTLY JUST A FOUR-LANE UNDIVIDED. THE FACT THAT IT'S IN THE PLAN -- IN BOTH PLANS SHOWING AS A FOUR-LANE DIVIDED, IS THERE ANY PROJECT IN THE WORKS TO EXPAND THAT ONE SEGMENT THAT'S CURRENTLY A FOUR-LANE UNDIVIDED?

NO, THERE'S NOT AT THIS TIME. BUT TXDOT IS DOING A STUDY TO LOOK AT WHAT IS FEASIBLE IN THIS AREA. BECAUSE OF THE CONCERNS ABOUT SAFETY. OF COURSE, THEY WOULD LIKE TO IMPROVE THE SITUATION AND THEY ARE INVOLVED IN THE STUDY TO LOOK AT DIFFERENT ALTERNATIVES, BUT THERE IS NO FUNDING AVAILABLE AT THIS TIME.

Mayor Wynn: WE KNOW THE TIMING OF THE STUDY ITSELF?

I DO NOT -- I'M NOT SURE EXACTLY WHEN IT WILL BE COMPLETED.

Mayor Wynn: AND WE'VE HAD A DISCUSSION ABOUT THIS ON A DIFFERENT ISSUE RELATIVELY RECENTLY. AND FOUR OF US HERE SERVE ON THE CAMPO BOARD. FOR YEARS CAMPO AS THE MP ON O, THE METROPOLITAN PLANNING ORGANIZATION, ESSENTIALLY WAS THE TRANSPORTATION PLANNING AGENCY FOR CENTRAL TEXAS, AT LEAST FOR THE AUSTIN -- IMMEDIATE AUSTIN AREA. AND ALLOCATED FUNDS ACODINGLY. BUT WITH THE MAKEUP OF A NEW RMA WITH TURNPIKES AND TOLL ROADS BEING BUILT THROUGHOUT

THE REGION, MUCH OF WHICH ACTUALLY DOESN'T HAVE CAMPO DIRECT INVOLVEMENT BECAUSE THERE'S NO FEDERAL DOLLARS INVOLVED, HELP ME THINK THROUGH WHAT OTHER -- WHAT OTHER APPROACHES WE COULD TAKE, WE AS A LARGER COLLECTIVE COMMUNITY, ABOUT FINDING MORE FUNDING AND/OR FINDING OTHER AGENCIES, PARTNERS WHO CAN HELP US ANALYZE THE LIKELIHOOD OF IMPROVING THAT ROAD SOONER THAN IT HAD BEEN TRADITIONALLY EXPECTED.

MAYOR, I'D BE GLAD TO GET A REPORT TO COUNCIL ON THAT. I THINK THERE ARE SOME VARIOUS OPTIONS THAT COULD BE PURSUED. I'M NOT REALLY FAMILIAR ENOUGH WITH THEM TO ATTEMPT TO EXPLAIN THEM TONIGHT, BUT WE CAN GET A REPORT TO YOU ON THAT.

Mayor Wynn: OKAY. THANK YOU, MR. ZAPALAC. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] RIGHT IN RIGHT OUT ONLY, 2222 RIGHT IN, RIGHT OUT ONLY. YOU CAN ALSO GO OUT, RIGHT IN RIGHT OUT ONLY AS WELL THERE. AND THAT PROVIDES THE ACCESS TO THE OFFICE. AND THE APARTMENTS IS THAT ARE THERE. ASSIGNED LIKE A LARGE NUMBER OF SQUARE FEET. IT'S NOT A LOT OF TREPS. THE OFFICE -- BECAUSE PEOPLE GO TO WORK AND TYPICALLY STAY THERE. THE TOTAL TRIPS FOR THE APARTMENTS AND THE OFFICES 5400 TRIPS.

YOU CAN ACT THE APARTMENTS OFF OF 360 AS WELL?

YEAH, THAT SAME DESTROY. THAT SINGLE DRIVEWAY ALLOWS ACCESS TO THE OFFICE AND UP TO THE APARTMENTS. AND THE SINGLE FAMILY AND THE SINGLE FAMILY AT THE TOP.

IF YOU COULD WAIT PERHAPS FOR A COUNCIL PERSON TO ASK A QUESTION, I GUESS WE'LL GET TO THAT.
COUNCILMEMBER SLUSHER?

I WOULD LIKE TO HEAR THE POINT THAT SHE'S MAKING.
MA'AM, COULD YOU COME UP TO THE MICROPHONE, POINT THIS OUT? MICROPHONE UP HERE IN FRONT, THERE'S A MICROPHONE THAT YOU CAN GET BY THE MAP.

THE APARTMENT COMPLEX HAS HER ON THIS SIDE AND THE TRACTS THAT I UNDERSTOOD ARE UNDER CONSIDERATION NOW ARE OVER HERE. WE WERE TALKING ABOUT ACCESS ON TO CITY PARK ROAD AND THEN I THOUGHT THE QUESTION WAS COULD THAT BE TO 360.

YEAH

Yeah THAT WAS MY QUESTION. BUT I'M TRYING TO DETERMINE THE IMPACT OF THAT OTHER PROPERTY. I'M PRETTY FAMILIAR WITH THAT INTERSECTION, TOO. MY GUESS IS THAT 99% OF THE PEOPLE WILL USE 360 TO ACCESS THAT OFFICE AND THE -- AND THE APARTMENTS AS WELL.

OKAY. BECAUSE WE ARE ALREADY SEEING TRAFFIC COME CITY PARK FROM HERE. OKAY. FURTHER QUESTIONS, COMMENTS? CITY ATTORNEY.

MAYOR, THANKS. I WANTED TO COMMENT ON THE MOTION. IF THE COUNCILMEMBERS DO WISH TO CHANGE THE -- THE CO OR CONSIDER THAT WHEN IT COMES BACK ON THE NUMBER OF TRIPS PER DAY. IN LINE WITH THE STAFF'S SUGGESTION OF A COMPREHENSIVE RECOMMENDATION ON TRIPS PER DAY, IT WOULD PROBABLY HAVE TO TAKE INTO ACCOUNT THE -- THE OTHER TRACKS WHICH ARE NOT PRESENT HERE TODAY IN THE ZONING CASE BUT ARE ALSO SUBJECT TO THAT 6500 TRIP PER DAY LIMITATION. SO THAT WOULD MEAN THAT THE MOTION SHOULD INCLUDE A DIRECTION TO STAFF TO CONSIDER THOSE OTHER TRACTS. WHP IT COMES BACK WITH A COMPREHENSIVE RECOMMENDATION AND IF NECESSARY, INITIATE ZONING CASES ON THOSE TRACTS. TO -- TO AMEND THE TRIP PER DAY LIMIT. SO I JUST WANTED TO -- TO CLARIFY THAT FOR THE COUNCIL, IF THAT'S INDEED WHAT -- WHAT DIRECTION THE COUNCIL WANTS TO TAKE. THEN YOU WILL WANT TO HAVE A -- TO HAVE A COMPREHENSIVE RECOMMENDATION THAT COVERS THE ENTIRE 6500 TRIP PER DAY LIMIT THAT YOU SHOULD ALSO INCLUDE THAT IN THE MOTION.

I DON'T WANT TO HAVE TO TRY TO REPEAT THAT. SO WILL YOU INCORPORATE WHAT HE SAID IN MY MOTION?

OKAY.

OKAY. LET'S SEE. COUNCILMEMBER THOMAS, DO YOU CONSIDER THAT A FRIENDLY AMENDMENT?

I JUST -- WHAT OTHER TRACTS IS HE TALKING ABOUT? THE --

ALL OF THEM.

Thomas: THE ONE ACROSS? OKAY. YEAH. YES.

THEY WOULD BE INCLUSIVE OF THE TRACTS THAT ARE ILLUSTRATED ON THE MAP. SO --

IF I MAY, COUNCIL, I WANT TO ALSO POINT OUT THE Z.A.P. RECOMMENDATION, THAT WAS MENTIONED EARLIER AT THE BEGINNING OF OUR PRESENTATION. IT WAS INCORRECT WITH REGARD TO WHAT THE COMMISSION, THE ZONING AND PLATTING COMMISSION ACTUALLY RECOMMENDED ON THE WESTERN TRACT. THE COMMISSION ACTUALLY RECOMMENDED ONLY A RIGHT-OF-WAY DEDICATION AND NO TRIP LIMITATION AS PART OF THEIR PARTICULAR RECOMMENDATION AND WITH RESPECT TO BOTH THE EAST SIDE AND WEST SIDE OF CITY PARK ROAD, THE Z.A.P. COMMISSION ACTUALLY GRANTED MORE THAN WHAT THE APPLICANT ASKED. AS MR. WHELLAN MENTIONED EARLIER, HE WAS SEEKING ON BEHALF OF HIS CLIENTS A REMOVAL OF THE TRIP LIMITATION OF 6,500 AND TO LIMIT THE TRIPS TO 2,000, BUT THE Z.A.P. COMMISSION IN BOTH CASES, THE TRACT TO THE EAST AND TO THE WEST, THAT'S BEFORE COUNCIL THIS EVENING, ALSO TOOK THE LIBERTY OF REMOVING LIMITATIONS ON CERTAIN SQUARE FOOTAGE OF USES AND FOR INSTANCE A LIMITATION OF 4,000 SQUARE FEET OF RETAIL SPACE ON THE WEST TRACT, ALSO TO REMOVE LIMITATIONS OF 30,000 SQUARE FEET OF OFFICE ON THE EASTERN TRACT AND A 100-FOOT SETBACK FROM THE SOUTH PROPERTY LINE. SO -- SO I JUST WANT COUNCIL TO BE AWARE WHEN Z.A.P. ACTUALLY ACTED -- THE APPLICANT ASKED FOR THE REMOVAL OF THE TRIP LIMITATION, THEY DID THAT AND ALSO REMOVED OTHER RESTRICTIONS THAT WERE ORIGINALLY IMPROVED.

IF I COULD ADDRESS THAT? I WOULD -- MAYOR, I WOULD

ANTICIPATE THAT THE STAFF AND THE APPLICANT WOULD GET TOGETHER AND COME BACK WITH -- WITH THE RECOMMENDATION THAT ADDRESSES THOSE ISSUES.

MR. WHELLAN IS SAYING HE NEVER AGREED TO ANY OF THE TRIP LIMITATIONS. HE'S POINTED THAT OUT. BUT WITH RESPECT TO HIS ACTUAL REQUEST, BUT THE Z.A.P. COMMISSION DID NOT PLACE THE LIMITATION ON ONE AND DID PLACE IT, A 2,000 TRIP LIMITATION ON THE OTHER WITH THEIR RECOMMENDATION.

MY MOTION IS TO GO WITH THE STAFF RECOMMENDATION AND FOR THE APPLICANT AND STAFF TO COME BACK WITH A COMPREHENSIVE TRIP REVIEW AND RECOMMENDATION AT THE NEXT -- FOR THE SECOND AND THIRD READING.

Mayor Wynn: COUNCILMEMBER SLUSHER?

> SLUSHER: STAFF RECOMMENDATION IS TO TURN THIS DOWN.

Dunkerley: I KNOW THAT, BUT I'M SAYING I WANTED THEM TO GET TOGETHER AND WORK ON AN OVERALL TRIP LIMITATION ANALYSIS.

ASSISTANT CITY MANAGER?

I GUESS THE STAFF HAS REVIEWED IT BASED ON THE INFORMATION THAT THEY HAVE AND THEY WERE RECOMMENDING TO DENY IT. PERHAPS WE CAN PRESENT SOME OPTIONS TO COUNCIL FOR THEM TO CONSIDER AS OPPOSED TO STAFF COMING BACK WITH A RECOMMENDATION THAT DIFFERS FROM WHAT THEY HAVE TODAY. THEN THAT WILL ALLOW YOU TO HAVE SOME -- SOME ADDITIONAL --

WELL, MY UNDERSTANDING IS THAT THE REASON THEY DENIED IT OR ASKED TO HAVE IT DENIED WAS BECAUSE OF THE OVERALL TRIP LIMITATION. WHAT I'M SAYING IS THAT LET'S TAKE A LOOK AT THAT WITH THE CURRENT CIRCUMSTANCES AND SEE IF THERE'S SOME ROOM TO CHANGE -- TO MAKE A DIFFERENT RECOMMENDATION, IF NOT I WOULD EXPECT TO HEAR THE SAME

RECOMMENDATION BACK FROM THEM. I COULD SUGGEST ONE MORE THING.

IS TO TAKE MR. WHELLAN'S SUGGESTION TO GRANT THE ZONING ON FIRST READING TO REMOVE THE TRIP LIMITATION AS -- AS SUGGESTED, HOWEVER, THEN TAKE THE LANGUAGE THAT -- THAT MR. LLOYD FROM OUR LAW DEPARTMENT HAS SUGGESTED THAT WOULD ALLOW STAFF TO REVIEW THE OPTIONS THAT MR. WHELLAN WANTED STAFF I THINK TO LOOK AT AND THEN ALSO TAKE A LOOK AT THE 6,500 TRIP LIMITATIONS ON ALL OF THESE PROPERTIES AND THEN ALLOW US TO BRING BACK A RECOMMENDATION ON ALL OF THOSE TRACTS AT ONCE.

Dunkerley: THAT'S WHAT I'M TRYING TO GET TO.

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: MR. GUERNSEY, CAN YOU -- ON THE Z.A.P. RECOMMENDATION, THAT INCLUDED ALLOWING SOME MORE MIXED USE INCLUDING SOME -- I GUESS SOME SMALL COMMERCIAL SPACE ON AT LEAST ONE OF THESE TRACTS, THE ZONING AND PLATTING COMMISSION'S RECOMMENDATION ON THE WEST TRACT, FOR INSTANCE, WAS JUST TO GRANT THE ZONING WITH A RIGHT-OF-WAY DEDICATION LIMITATION. THE ORIGINAL CASE AS IT WAS APPROVED HAD THE 6500 TRIP LIMITATION BUT ALSO HAD A LIMITATION ON A MAXIMUM RETAIL FLOOR OR AREA OF 4,000 SQUARE FEET. THAT WAS THE MAXIMUM AMOUNT OF RETAIL SPACE. THAT WAS THE ORIGINAL ZONING THAT WAS APPROVED. SO THE REQUEST WAS TO REMOVE THE CAP, THE COMMISSION DID THAT. ALSO REMOVED THE RETAIL SQUARE FOOTAGE LIMITATION AS WELL WITH THEIR ACTION.

I LIKE THAT PORTION OF THE -- OF THE Z.A.P. RECOMMENDATION. WHERE EVERYTHING WE ARE LEARNING ABOUT IN URBAN PLANNING IS THIS INCREDIBLE SEGREGATION WHERE PEOPLE HAVE TO DRIVE 15 MINUTES TO THE NEAREST GROCERY STORE OR RESTAURANT. THAT'S PUTTING MORE PEOPLE ON 2222, SO IF FOLKS WERE ABLE TO FOR INSTANCE LIVE OFF OF CITY PARK ROAD WERE ABLE TO GO GET SOMETHING TO EAT THERE WITHOUT HAVING TO GET ON TO 2222, THAT WOULD PROBABLY MAKE

TRAFFIC BETTER. SO I WOULD THINK THAT Z.A.P. WAS INSIGHTFUL IN LIFTING THE CAP ON THE -- ON THE COMMERCIAL RETAIL THERE BECAUSE THAT WILL SERVE THE NEIGHBORHOOD, IT WILL BE A PLACE WHERE YOU CAN GET -- GO TO LIKE A DRY CLEANER, GET SOMETHING TO EAT, THOSE PEOPLE WILL NOT BE GETTING ON 2222 AND IT WILL MAKE THE SITUATION BETTER.

ON THE EASTERN PROPERTY THE ORIGINAL LIMITATION WAS FOR 30,000 SQUARE FEET, NO MORE THAN 30,000 SQUARE FEET OF OFFICE SPACE AND THEN THAT THERE WOULD BE A BUILDING OR STRUCTURE SETBACK OF 100 FEET FROM THE SOUTHERN PROPERTY LINE AND THE Z.A.P. COMMISSION WHEN THEY MADE THE RECOMMENDATION ON THE EASTERN PROPERTY REMOVED THOSE LIMITATIONS, BUT DID IMPOSE A 2,000 TRIP LIMITATION ON THE TRACT TO THE EAST. THAT'S THE LARGER TRI ANGULAR PIECE.

FURTHER COMMENTS? IF I COULD, SO THAT AS I UNDERSTAND THE MOTION THAT -- THAT WOULD -- THAT WOULD ASK FOR A MORE COMPREHENSIVE ANALYSIS OF SORT OF THE ORIGINAL DEAL FROM FOUR YEARS AGO. I ACTUALLY WOULD LIKE TO SEE, YOU KNOW, FRANKLY A FAR MORE COMPREHENSIVE ANALYSIS THAN THAT. I DON'T KNOW HOW PRACTICAL ALL OF THIS CAN BE AS PART OF A ZONING CASE. BUT IN -- I GUESS IT WOULD MAKE SENSE, IF WE ARE NOT GOING TO DENY THE ZONING CASE, TO ANALYZE COMPREHENSIVELY PERHAPS THAT INTERSECTION AGAIN, BUT THE ISSUE, IT SEEMS TO ME OR THE MAJOR ISSUE IS THE ENTIRE STRETCH OF THE ROAD. I SEE THE MORE COMP HELPSIVE ANALYSIS BEING EVERYTHING FROM FRANKLY MY COLLEAGUES AND I OR SOME OF US, YOU KNOW, VISITING WITH OUR CAMPO COLLEAGUES NEXT MONDAY EVENING, UNDERSTAND -- GETTING A BETTER FEEL FOR OUR UNDERSTANDING EVER THE R.M.A. AND THE CAPABILITIES THAT THEY HAVE FOR EXPENDITURES IN TRAVIS AND WILLIAMSON COUNTY, YOU KNOW, WORKING WITH TEXDOT OFFICIALS AND OTHERS AND CITY STAFFERS IN REALLY UNDERSTANDING THE DESIGNATION AND MAKE UP OF OUR ROADWAY PLANNING PROCEDURES AND FRANKLY HAVE A MORE COMPREHENSIVE APPROACH. I DON'T KNOW THE OWNERS OR THE APPLICANTS, YOU KNOW, TIMING BUT, YOU KNOW, I'M -- I'M NOT PREPARED TO -- TO,

YOU KNOW, DENY THIS CASE RIGHT NOW BECAUSE I ACTUALLY SEE THIS AS THE -- THE IMPETUS FOR A FAR MORE COMPREHENSIVE ANALYSIS OF THAT -- COMPREHENSIVE ANALYSIS OF THAT ROADWAY. MY INSTINCT, HOWEVER, THAT'S A SIGNIFICANT AMOUNT OF ANALYSIS AND POLITICKING AND YOU KNOW CAJOLING WITH SOME OF OUR REGIONAL CO-HOTTERS. SO -- COHORTS. SO PERHAPS IF I COULD HEAR FROM THE APPLICANT'S AGENT. OBVIOUSLY YOU FILED A ZONING CASE PRESUMABLY FOR A REASON. I SEE THE NEED FOR SO MUCH MORE COMPREHENSIVE ANALYSIS ON, YOU KNOW, ON MILES OF ROADWAY HERE THAT -- THAT CAN YOU TALK TO ME ABOUT YOUR -- YOU KNOW THE TIMING OF THIS CASE THAT YOU HAVE PRESENTED US?

TIMING-WISE, I THINK THAT'S AT THE COUNCIL'S DISCRETION, I HEAR WHAT YOU ARE SAYING ABOUT ANALYSIS. I KNOW THAT THERE'S A LEFT TURN LANE NOW. BEING DEVELOPED NEAR 620, THERE MIGHT BE SOME INFORMATION YOU ALL NEED BEFORE YOUR CAMPO MEETING, IN THAT REGARD IT'S SOMETHING COMPARABLE. IT'S BEEN FOUR YEARS, YOU KNOW, CONTINUE TO WAIT. I THINK THAT MS. MATCHES AND I CAN AGREE TO NOT TAKE ANY ACTION IN THE LAWSUIT WHILE THIS ANALYSIS IS GOING ON. OUR GOAL IS TO RESOLVE IT. WE DO NOT WANT TO FILE A LAWSUIT WHILE WE WERE KIND OF PUT IN A POSITION WE HAD TO TO RESERVE THE RIGHTS, WE CAN AGREE TO ABATE THAT FOR SOME PERIOD OF TIME WHILE THE CITY COUNCIL UNDERTAKES THAT ANALYSIS, THAT SEEMS FAIR. I DON'T WANT TO WAIT A YEAR. BUT IT DOESN'T SOUND LIKE YOU ARE TALKING ABOUT A YEAR. I THINK YOU ARE TALKING ABOUT MAYBE TWO OR THREE MONTHS. I DON'T SEE THAT'S BEING UNREASONABLE UNDER THE CIRCUMSTANCES. REGARDING THE LAWSUIT, IS THERE A STATUTE OF LIMITATIONS SORT OF ISSUE.

THERE WAS, THERE WAS, BUT I HAVE TAKEN CARE OF THAT. I ASKED FOR -- THAT ISN'T OUR GOAL. WE WOULD RATHER GET IT RESOLVED BECAUSE THERE'S A WE TO GET IT RESOLVED. I DID WANT TO CLARIFY ON THE RECORD THAT WE WEREN'T -- I'M NOT AGREEING THAT THE 2,000 TRIPS IS APPROPRIATE OR COMPLY WAS THE SETTLEMENT AGREEMENT. WHAT I'M SAYING IS THAT IT MIGHT BE SOMETHING THAT WE COULD WORK WITH AFTER WE HAVE

DISCUSSIONS WITH THE CITY ATTORNEY AND GET A COMPREHENSIVE VIEW OF THE ENTIRE -- OF THE SIX TRACTS AT THIS CORNER. WHEN I SAY SIX, I MEAN THE TWO THAT WE ARE TALKING ABOUT TODAY AND THEN THE FOUR THAT MAKE UP THE BIG TRACT ON THE OTHER SIDE. AND WITH THAT, WITH THE -- WOULD THE MAKER AND SECOND OF THE MOTION CONSIDER A FRIENDLY AMENDMENT THAT IN ADDITION TO THIS DIRECTION FOR THE MORE COMPREHENSIVE CHAMPION PROPERTY REANALYSIS THAT TO THE EXTENT POSSIBLE THAT -- THAT ANALYSIS DOESN'T COME FORWARD TO US, UNTIL SUCH TIME AS I CALL THE TRUE ROADWAY REGIONAL ISSUES ARE -- ARE FURTHER ANALYZED.

Dunkerley: I WILL ACCEPT THAT.

Mayor Wynn: FRIENDLY, THANK YOU.

MAYOR, ONE MORE -- ONE MORE CLARIFICATION FOR -- JUST TO MAKE IT CLEAR WHAT I'M SUGGESTING THAT THE MOTION ALSO INCLUDES DIRECTION TO STAFF TO BRING BACK ZONING CASES ON -- IN ADDITION TO THOSE TWO TRACTS -- THE OTHER TRACTS THAT ARE SUBJECT TO THE 6500 TRIP PER DAY LIMITATION IF NECESSARY FOR THE COMPREHENSIVE RECOMMENDATION.

Mayor Wynn: WELL, I GUESS WHAT MY AMENDMENT HOPED TO ACCOMPLISH WAS THAT -- THAT THERE'S NO -- FRANKLY THERE'S NO NEED FOR THE CITY TO -- TO FILE ADDITIONAL ZONING CASES UNTIL SUCH TIME AS WE TRULY HAVE ANALYZED AND FIGURED OUT AT LEAST AN UNDERSTANDING OF THE STUDIES INVOLVED, THE TIMING OF THOSE, THE POTENTIAL IMPROVEMENTS TO BE MADE, THE FUNDING PARTNERS IN A COULD BE ALIGNED AND THE -- YOU KNOW THE HANDICAPPED TIMING OF THAT BEFORE -- BEFORE FRANKLY THE -- THE CITY WOULD BOTHER TO GO THROUGH THE -- THROUGH THE LEGAL PROCESS OF BECOMING AN APPLICATION ON A MORE COMPREHENSIVE ZONING CASE. SO -- SO I'M FULLY PREPARED TO HAVE STAFF BE ANTICIPATING IF THERE'S -- YOU KNOW, A FIX TO -- TO DO THAT. TO HAVE SORT OF A BROADER ZONING CASE BROUGHT FORWARD. BUT -- BUT I WOULDN'T BE PREPARED TO ACT ON THAT UNTIL SUCH TIME AS TO SOME DEGREE I'VE

HANDICAPPED THE ABILITY TO IMPROVE 2222.

SO THE MOTION WOULD BE -- I GUESS TO APPROVE ON FIRST READING A REQUEST -- I HAVEN'T CLARIFIED THAT THAT WAS STAFF OR THE COMMISSION -- THEN THE Z.A.P. RECOMMENDATION NOT TO DIRECT STAFF AT THIS TIME TO INITIATE ANY OTHER CASES, BUT TO DO BASICALLY AN ANALYSIS OF THE TRACT, THE CAPACITY AND -- THE TRAFFIC CAPACITY AND ROADWAY, INCLUDING PARTICIPATION MAYBE BY TEXDOT, COUNTY, CITY, CAMPO, STAFF OF A REVIEW OF THE CORRIDOR AT THAT TIME, MAYBE COME BACK WITH THESE TWO CASES, WITH THAT ANALYSIS AND -- AND I GUESS THAT WOULD BE AT SECOND OR THIRD READING AND THEN DETERMINE WHAT TO DO. IS THAT CORRECT?

THAT'S -- THAT WAS MY INTENT, YES. UNLESS YOU -- IF YOU WERE TO TELL ME THAT IF THE CITY WERE TO INITIATE BROADER ZONING CASE, THEN THAT WOULD BE SEVERAL MONTHS WORTH OF WORK, THEN IN THEORY, YOU KNOW, PERHAPS STAFF COULD BEGIN THAT -- THAT PROCESS BUT I'M SUGGESTING THAT THAT SHOULDN'T -- I WOULDN'T PREFER TO HAVE THAT COME BACK TO YOU UNTIL REALLY THE -- SEEMING THE REAL ANALYSIS IS A MUCH MORE BROAD -- BROAD TECHNICAL ANALYSIS AND POLITICAL ANALYSIS OF 2222.

WELL, WE COULD CERTAINLY BRING BACK THE TWO CASES AND THEN WE CAN LOOK INTO THE -- WHAT WOULD BE REQUIRED TO DO SUCH AN ANALYSIS AND STUDY. HOWEVER IF WE JUST BROUGHT BACK THE TWO CASES YOU WOULD BE AT THE SAME POINT THAT YOU ARE TODAY. SO -- THAT YOU WOULD NOT BE ABLE TO DEAL WITH IT. THE 6,500 TRIP QUESTION WITHOUT INCLUDING THOSE OTHER PARCELS. IT WOULD NOT BE NECESSARY TO INCLUDE THE ENTIRE CORRIDOR TO ADDRESS THAT ONE ZONING ISSUE. BUT WE COULD STILL LOOK AT THE CORRIDOR ITSELF. GEORGE, DO YOU WANT TO ADD SOMETHING?

MAYOR, IF I MIGHT MAKE A SUGGESTION. THERE HAVE BEEN A COUPLE OF COMPREHENSIVE STUDIES THAT HAVE BEEN DONE ALONG 2222 IN THE PAST 15 YEARS OR SO. WE CAN BRING THAT INFORMATION BACK TO COUNCIL, ALSO FIND

OUT MORE INFORMATION ABOUT THE TIME KNOWLEDGE OF THE CURRENT TEXDOT -- TIMING OF THE CURRENT TEXDOT STUDY. LOOK AT THE PREVIOUS TRAFFIC ANALYSIS THAT WAS DONE FOR ALL OF THE TRACTS WITH THE PRIOR ZONING CASE AND COME BACK TO -- TO COUPLE ON SECOND READING AND ALSO MEET WITH THE APPLICANT AND THE NEIGHBORHOOD, COME BACK TO COUNCIL FOR SECOND READING WITH -- WITH SOME -- SOME OPTIONS OR - - OR CONCEPT OF SOME KIND AND GET FURTHER DIRECTION AND THEN COME BACK FOR THIRD READING. IF COUNCIL WANTS TO PROCEED -- WITH INITIATING THE ZONING CASE ON THE OTHER PROPERTIES.

Mayor Wynn: MY HOPE HERE IS THAT HERE IN THE NEXT MONTH WE ALL START TO BE A LITTLE BIT OF A CENTER OF GRAVITY ON THE POLITICAL AND MULTI-JURISDICTIONAL ANALYSIS AND WE'LL HAVE A BETTER SENSE OF THE TIMING OF WHEN THIS COULD BE BROUGHT BACK IN A MORE COMPREHENSIVE WAY.

MAYOR --

Mayor Wynn: SADLY, I'M EFFECTIVELY SAYING AN INDEFINITE POSTPONEMENT, BUT I WANT TO BE RESPECTFUL OF EVERYBODY'S EFFORTS.

MAYOR, CAN I --

Mayor Wynn: COUNCILMEMBER MCCRACKEN?

McCracken: I SHARE YOUR VIEW ON THIS. THE -- MY UNDERSTANDING FROM CAMPO IS THAT WE ARE GOING TO BE LOOKING AT SOME SIGNIFICANT IMPROVEMENTS TO 222 BETWEEN 360 AND 620 AND INCLUDING AND IMPROVING THAT INTERSECTION AS PART OF THE PLAN. WE WILL HAVE A BETTER SENSE OF THAT HERE IN THE NEXT -- WELL NEXT WEEK WE WILL HAVE A BETTER SENSE OF THAT. SO I THINK IT IS APPROPRIATE TO GET A BETTER HANDLE OF NOT ONLY WHAT'S COMING UP IMMEDIATELY ON 2222, BUT IF THERE MIGHT BE SOME OTHER OPTIONS ON THESE PROPERTIES ABOUT OUTLETS AND ACCESS.

Slusher: I WILL PROBABLY NEED THE MOTION RESTATED BUT

I WANTED TO ASK MR. ZAPALAC A QUESTION BEFORE HE SITS DOWN. NOW, I HEARD PART OF THIS AREA IS -- WHAT PART OF THIS AREA IS RATED F UNDER TRAFFIC -- TRAFFIC GRADE?

I BELIEVE THE INTERSECTION AT 360 AND 2222 IS CURRENTLY OPERATING AT A LEVEL F OR NEAR IT.

Slusher: OKAY. SO IF -- MAYBE YOU CAN'T ANSWER THAT, BUT IF THESE UPGRADES WERE TO GET DONE, THEN WHAT DOES THAT IMPROVE IT TO?

WE COULDN'T ANSWER THAT WITHOUT SOME FURTHER ANALYSIS. BUT -- BUT THE MEETING THAT I HAD EARLIER TODAY WITH TEXDOT OFFICIALS, THERE WAS SOME DISCUSSION ABOUT SOME ALTERNATIVES THAT MIGHT ALLOW FOR SOME INTERIM IMPROVEMENTS TO THAT INTERSECTION.

Slusher: OKAY. THANK YOU. IT JUST SEEMS TO ME THAT IF WE GOT AN INTERSECTION THAT'S FAILING AND YOU HAVE GOT A DANGEROUS AREA THAT WE CLEARLY KNOW FROM SOME VERY TRAGIC STATISTICS THAT'S DANGEROUS, THAT YOU DO NEED SOME SAFETY IMPROVEMENTS THERE BUT IF IT'S ALREADY FAILING, JUST BECAUSE YOU MAKE SOME IMPROVEMENTS TO PROTECT THE PUBLIC SAFETY AND TO GET IT WHERE IT'S NOT A FAILING INTERSECTION ANYMORE, DOESN'T MEAN THAT YOU JUST GO ON AND DO WHAT YOU WERE DOING BEFORE THAT GOT IT TO WHERE IT WAS FAILING IN THE FIRST PLACE. I'M VERY CONCERNED ABOUT THAT'S WHERE THIS PROCESS HERE IS LEADING US TONIGHT.

Mayor Wynn: FURTHER COMMENT? THERE'S A MOTION AND A SECOND ON THE TABLE TO APPROVE Z.A.P. RECOMMENDATION ON FIRST READING ONLY WITH INSTRUCTION FOR A FAR MORE COMPREHENSIVE ANALYSIS TO BE DONE PRIOR TO POTENTIALLY COMING BACK FOR SECOND AND THIRD READING.

Goodman: YES, MAYOR.

Mayor Wynn: MAYOR PRO TEM?

Goodman: I WANT TO TAG ALONG ON A LITTLE BIT ON WHAT COUNCILMEMBER SLUSHER JUST MENTIONED. WE'VE HAD THIS DISCUSSION MANY TIMES OR COUNCILMEMBERS HAVE, MAYBE NOT EVERYBODY HERE TONIGHT. THERE ARE ISSUES THAT ARE GIVING ME DISTINCT DEJA VU THAT HAVE COME UP AND WE HAVE DISCUSSED THEM MANY TIMES OVER THE YEARS. PART OF THE -- PART OF THE IMPERATIVE THAT I THINK WE ALL NEED TO REMEMBER IS THAT ON THIS PARTICULAR ROADWAY, THERE ARE -- THERE ARE WHAT I WILL CALL FINITE ABILITIES TO IMPROVE CAPACITY AND FLOW. AND THAT UNDERSTANDING WAS PART OF, FOR ME, WHAT LED US TO CAPPING THE NUMBER IN RELATION TO SPECIFIC PIECES OF LAND. SO ALTHOUGH I REALIZE THAT YOU HAVEN'T GONE THROUGH THIS AS MANY TIMES AS I HAVE, I'M GOING TO STICK WITH WHAT WE FIGURED OUT IN THE FIRST PLACE. WELL, NO, ACTUALLY I GUESS THAT WAS ABOUT THE 7th PLACE. BUT I'LL STICK WITH THAT ONE.

Mayor Wynn: FURTHER COMMENTS OR QUESTIONS? MOTION AND SECOND ON THE TAIL. ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE. OPPOSED?

NO.

Mayor Wynn: MOTION PASSES ON FIRST READING ON A VOTE OF 4-3 WITH THE MAYOR PRO TEM, COUNCILMEMBER SLUSHER AND ALVAREZ VOTING NO. THANK YOU ALL VERY MUCH FOR YOUR PATIENCE. COUNCIL, WITHOUT OBJECTION, WE HAVE STAFF AND JUST ONE PERSON HERE ON TWO PUBLIC HEARINGS THAT WE CAN -- WITH THE HELP OF STAFF, KNOCK OUT VERY, VERY QUICKLY. WITH THAT WE WILL CALL UP ITEM NO. 53.

THIS IS THE -- THIS IS THE ANNEXATION OF -- OF APPROXIMATELY 133 ACRES NEAR THE INTERSECTION OF 1626 AND I-35 IT'S PART OF A LARGER MIXED USE PROJECT THAT EXTENDS ON THE OTHER SIDE OF -- OF -- OF 1626. WE GOT COPIES OF THE SERVICE PLAN WITH ME. QUICKLY GO THROUGH THE SERVICE PLAN. WE WILL BE TAKING

ESSENTIALLY TAKING OVER FROM THE COUNTY FOR THE SERVICES THEY PROVIDE AS WELL AS PROVIDING ADDITIONAL AND ENHANCED SERVICES NOT OTHERWISE AVAILABLE FROM THE COUNTY. WE WILL BE PROVIDING SERVICES AT A LEVEL SIMILAR TO WHAT IS PROVIDED IN THE SIMILARLY SITUATED AREAS IN THE BALANCE OF THE CITY. AGAIN, COPIES ARE THE -- OF THE SERVICE PLAN, BASICALLY THAT CONCLUDES THE PRESENTATION OF DOUBLE CREEK VILLAGE.

Mayor Wynn: THANK YOU, MR. LUKENS. QUESTIONS FOR MR. LUKENS? ARE THERE ANY CITIZENS WHO WOULD LIKE TO SPEAK ON THIS ITEM, ITEM NO. 53, A PUBLIC HEARING FOR THE FULL PURPOSE ANNEXATION OF THE DOUBLE CREEK VILLAGE AREA? ANY CITIZENS WISHING TO SPEAK ON ITEM NO. 53? IF NOT I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING.

Thomas: SO MOVED.

I FAILED TO MENTION THIS WAS THE FIRST OF TWO PUBLIC HEARINGS. WE WILL BE BACK AGAIN NEXT WEEK WITH A SECOND PUBLIC HEARING. IF I'M NOT MISTAKEN WE WILL BE HAVING ORDINANCE READING ON -- ON APRIL FIRST? APRIL 22nd. ORDINANCE READING WILL BE TENTATIVELY SCHEDULED FOR APRIL 22nd. I WANTED TO GET THAT INTO THE RECORD. THANK YOU.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER MCCRACKEN TO CLOSE THE PUBLIC HEARING. ALL IN FAVOR.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0. THANK YOU. ITEM NO. 54, STAFF? GOOD EVENING, MAYOR AND COUNCIL, I'M LUCY GALLON MAN WITH WATERSHED PROTECTION DEVELOPMENT REVIEW. THIS EVENING I'M PRESENTING A NUMBER OF CODE AMENDMENTS INITIATED BY THE BOARD OF ADJUSTMENT. THE SIGN REVIEW BOARD. THE BOARDS ARE ASKING THE COUNCIL TO CONSIDER THESE AMENDMENTS BECAUSE REQUESTS FOR VARIANCES TO CHAPTER 25 CASH 2 THE ZONING CHAPTER AND

CHAPTER 25-10 THE ZONING REGULATIONS CHAPTER OF THE LAND DEVELOPMENT CODE ARE FREQUENTLY REQUESTED. THE BOARD'S TYPICALLY FIND THESE VARIANCE REQUESTS TO BE REASONABLE. THERE IS RARELY ANY OPPOSITION AND THE BOARDS GRANT THE VARIANCE REQUEST. IN REVIEWING THE PROPOSED AMENDMENTS THE PLANNING COMMISSION EITHER APPROVED THE PROPOSAL, RECOMMENDED NO CHANGE TO THE CURRENT REQUIREMENTS, OR RECOMMENDED ADDITIONAL AMENDMENTS TO THESE CODE SECTIONS. THE FIRST THREE PROPOSALS WOULD AMEND SECTION 25-2-513 WHICH DEALS WITH TEACHES THAT ARE ALLOWED TO ENCROACH IN REQUIRED SETBACKS. SUBSECTION B IS A RECOMMENDATION TO ADD A BOX WINDOW OR A CANTILEVERED BAY WINDOW TO THE LIST OF FEATURES WHICH MAY ENCROACH TWO FEET INTO A REQUIRED YARD. CURRENTLY THIS SUBSECTION ALLOWS A WINDOW SILL, ... EVE TO PROJECT TWO FEET INTO A YARD. THIS AMENDMENT IS A RECOMMENDATION FROM THE BOARD OF ADJUSTMENT AND WAS APPROVED BY THE PLANNING COMMISSION. THE NEXT TWO PROPOSALS DID NOT COME FROM THE BOARD OF ADJUSTMENT BUT WERE ADDED BY THE PLANNING COMMISSION WHEN THEY WERE REVIEWING THESE AMENDMENTS. SUN SECTION C CURRENTLY ALLOWS UNCOVERED STEPS OR A PORCH OR STOOP NOT MORE THAN TWO FEET ABOVE GROUND TO PROJECT ... TO ALLOW STEPS A PORCH OR A STOOP THAT IS NOT MORE THAN 3 FEET ABOVE GROUND TO PROJECT THREE FEET INTO A REQUIRED YARD. SUBSECTION G CURRENTLY ALLOWS A COVERED PORCH THAT IS OPEN ON THREE SIDES TO PROJECT FIVE FEET INTO A REQUIRED FRONT YARD FOR ANY BUILDING IN A MF 3 OR MORE RESTRICTIVE ZONING DISTRICTS. THE BUILDING PERMIT FOR THE STRUCTURE WAS ISSUED BEFORE MARCH 1st, 1986. THE PLANNING COMMISSION IS RECOMMENDING THAT THE MARCH 1st, 1986 RESTRICTION BE REMOVED. THE PLANNING COMMISSION DID NOT IMPOSE ANY OTHER RESTRICTIONS TO THIS ALLOWANCE, BUT STAFF WOULD RECOMMEND THAT THE STAFF ADD A RESTRICTION THAT THE PORCH NOT ENCROACH MORE THAN 20 FEET INTO A REQUIRED FRONT YARD. THE NEXT AMENDMENT EGGS TO SECTION -- IS SECTION TO SECTION 25-... HEIGHT LIMIT EXCEPTIONS.

CURRENTLY ONLY A 50% INCREASE IN HEIGHT FOR FEATURES WHICH CANNOT BE OCCUPIED. THE BOARD OF ADJUSTMENT IS RECOMMENDING THAT CHURCH STEEPLES BE ALLOWED TO EXCEED THE HEIGHT LIMIT BY 30%, THIS AMENDMENT WOULD ADD AN ALLOWANCE FOR SPIRES ONLY TO EXCEED THE HEIGHT LIMIT. THE PROPOSAL WAS APPROVED BY THE PLANNING COMMISSION. THE NEXT THREE PROPOSALS, PROPOSALS ARE AMENDMENTS TO CHAPTER 2510 THE SIGN ORDINANCE. ALL OF THESE AMENDMENTS WERE RECOMMENDED BY THE SIGN REVIEW BOARD. THE FIRST PROPOSAL IS TO AMEND SECTION 251-0101 SUBSECTION G WHICH DEALS WITH SIGNS FOR PUBLIC INSTITUTIONS AND INCLUDING SCHOOLS. THE CURRENT CODE ALLOWS ONLY ONE SIGN PER INSTITUTION AND A HEIGHT LIMIT OF 6 FEET FOR A FREESTANDING SIGN AND A SIZE LIMIT OF 32 SQUARE FEET. THE RECOMMENDED CHANGE WOULD ALLOW EACH INSTITUTION TO HAVE ONE WALL SIGN AND ONE FREESTANDING SIGN AND WOULD INCREASE THE HEIGHT OF THE FREESTANDING SIGN TO 13 FEET IN ALL SIGN DISTRICTS. THE PLANNING COMMISSION APPROVED THE RECOMMENDATIONS WITH THE EXCEPTION THAT THESE CHANGES WOULD NOT APPLY TO INSTITUTIONS ON THE SCENIC ROADWAY DISTRICT. THE NEXT PROPOSAL IS TO AMEND SECTION 251-0123 WHICH DEALS WITH THE EXPRESSWAY CORRIDOR SIGN DISTRICT REGULATIONS, SUBSECTION B CURRENTLY RESTRICTS ALL SIGNS IN THIS SIGN DISTRICT TO A HEIGHT OF 35 FEET OF A FRONTAGE STREET PAVEMENT GRADE. THE AMENDMENT WOULD ALLOW THE BUILDING OFFICIAL TO GRANT A SIGN HEIGHT UP TO 50 FEET IN THE EXPRESSWAY CORRIDOR SIGN DISTRICT. IF THE VIEW OF THE SIGN IS OBSTRUCTED BY AN ELEVATED HIGHWAY. THE PLANNING COMMISSION VOTED FOR NO CHANGE TO THE CURRENT REGULATIONS. THE LAST PROPOSAL IS TO AMEND SECTION 251-0124 WHICH DEALS WITH THE SCENIC ROADWAY DISTRICT REGULATION. SUBSECTION F CURRENTLY ALLOWS ONLY THE INDIVIDUAL LETTERS OF A SIGN TO BE INTERNALLY LIT. THIS AMENDMENT WOULD ALLOW SIGNS, A COMPANY'S LOGO TO ALSO BE INTERNALLY LIT AS PART OF THE SIGN. THIS AMENDMENT WAS APPROVED BY THE PLANNING COMMISSION. PRESENT TONIGHT ARE LEE ANNE HELDENFELDS AND BRUCE SHELTON A MEMBER OF THE

SIGN REVIEW BOARD. WE WILL BE GLAD TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE ABOUT THESE RECOMMENDATIONS.

Mayor Wynn: QUESTIONS FROM STAFF, COUNCIL? WE HAVE ONE CITIZEN SIGNED UP WISHING TO SPEAK. MR. GERARD KINNEY, I'M NOT SURE IF GERARD WAS ABLE TO HANG AROUND. GER RAD KINNEY SIGNED UP WISHING TO SPEAK, IN FAVOR, AGAINST AND NEUTRAL. QUESTIONS OF STAFF, COMMENTS, COUNCIL?

MAYOR PRO TEM?

Goodman: I NEED TO ASK ABOUT THE STAPLES. I WASN'T -- THE STEEPLES. I WASN'T QUITE SURE THAT I FOLLOWED EXACTLY WHAT YOU SAID. 30% AN INCREASE -- OH, WAIT OKAY. EXCEEDING THE HEIGHT LIMITATION BY 30%. SO GIVE ME AN EXAMPLE OF -- OF WHAT THAT WOULD MEAN IN REAL - - IN REAL CONSTRUCTION TERMS. HOW MANY FEET?

THAT WOULD PROBABLY -- MOST -- MOST CHURCHES ARE LOCATED IN -- IN RESIDENTIAL DISTRICTS. THE HEIGHT LIMIT IS TYPICALLY 35 FEET. S.F. 2 AND S.F. 3. THAT WOULD GIVE THEM ABOUT 10 MORE FEET FROM THAT 35 FEET. OR STEEPLE.

OKAY. THAT WOULD JUST BE AUTOMATIC, THERE WOULD BE NO ADMINISTRATIVE APPROVAL NEEDED?

CORRECT.

THE REASON FOR THAT IS -- THE REASON THIS WAS GENERATED AS AN AMENDMENT IS --

THE BOARD OF ADJUSTMENT GETS A LOT OF REQUESTS FOR VARIANCES FROM CHURCHES TO ALLOW AN INCREASE IN THE HEIGHT. THE BOARD HAS GENERALLY FOUND THE REQUESTS TO BE REASONABLE AND USUALLY GRANTS THEM AND THEY FELT THAT IT WOULD BE REASONABLE TO CHANGE THE CODE RATHER THAN TO HAVE CHURCHES CONTINUE GOING -- CONTINUOUSLY GOING BEFORE THE BOARD TO ASK FOR THE VARIANCES.

DO YOU KNOW IF THERE'S A LOT OF OPPOSITION TO THOSE VARIANCES.

GENERALLY THERE'S NOT ANY OPPOSITION.

OKAY.

Goodman: OH, AND LET ME JUST GET CLARIFICATION. THE 35 FEET WITH AN ADMINISTRATIVE APPROVAL OF UP TO 50 FEET, WHAT WAS THAT IN RELATIONSHIP TO? THE SIGNS WHO -- THAT -- THAT ARE SIGNS THAT ARE OBSTRUCTED BY AN ELEVATED FREEWAY, THAT ONE?

Goodman: BUT, YEAH, SO IS IT RESTRICTED TO LIKE I-35 OR --

IT'S IF THE EXPRESSWAY CORRIDOR SIGN DISTRICT, YES. IT'S ONLY THAT ONE DISTRICT.

Goodman: OKAY. THANK YOU.

McCracken: I WANT TO CLARIFY, FIRST, THAT THE PLANNING COMMISSION RECOMMENDED TO DENY THE REQUEST TO RAISE SIGNS TO 15 SQUARE FEET; IS THAT RIGHT.

CORRECT.

McCracken: THE BETTER PRACTICE SEEMS TO BE THE SIGNS ARE COMING DOWN ENTIRELY THESE DAYS ARE MORE LIKE MONUMENT SIGNS. THE SECOND ONE IS CAN YOU EXPLAIN TO ME THE LOGIC BEHIND THE ALLOWING GREATER LIGHTING OF SIGNS IN THE SCENIC ROADWAY DISTRICT? BECAUSE THAT SEEMS TO BE CONTRARY TO WHAT COMMUNITIES ARE DOING AS BEST PRACTICE. BEST PRACTICES MUST MEAN TO ALLOW NO LIGHTING AT ALL ON THE SCENE NICK ROAD. CAN YOU GIVE ME A SPECIFIC EXAMPLE THAT TRIGGERED THIS?

YES, WE'VE HAD A NUMBER OF COMPANIES COME BEFORE THE SIGN REVIEW BOARD AND ASK FOR VARIANCES. RIGHT NOW ON THE SCENIC ROADWAY DISTRICT, YOU CAN -- YOU CAN ILLUMINATE, INTERNALLY ILLUMINATE THE INDIVIDUAL LETTERS OF YOUR COMPANY'S NAME. BUT IF YOU HAVE A LOGO ASSOCIATED WITH YOUR COMPANY NAME, YOU CAN

NO ILLUMINATE IT. SO TYPICALLY THEY ASKED FOR THAT VARIANCE AND THE BOARD HAS GRANTED -- THEY HAVE GRANTED ALL OF THEM IN THE LAST FOUR YEARS. AN EXAMPLE IS -- IS McDONALD'S LOGO, THE M, THE WELLS FARGO BANK, HOLIDAY INN, WHATABURGER, BANK OF AMERICA, SEARS, NTB, SEARS, OSTACO, I DON'T KNOW WHAT THAT IS. BUT ANYWAY THOSE ARE THE ONES THAT HAVE COME BEFORE THE SIGN REVIEW BOARD.

McCracken: THESE ARE ON OUR SCENIC ROADWAYS?

YES.

Mayor Wynn: COUNCIL, I WANT TO APOLOGIZE TO FOLKS WAITING FOR ZONING CASES. I WAS LED TO BE THAT THIS WAS A VERY SIMPLE ISSUE. THIS IS A SIGNIFICANT SET OF AMENDMENTS TO VERY IMPORTANT ORDINANCES THAT MANY OF US TAKE VERY DEARLY. AND -- I CERTAINLY -- I CERTAINLY WOULD VOTE -- WOULD VOTE TO -- I WILL ENTERTAIN A MOTION TO POSTPONE THIS INDEFINITE LE UNTIL OUR STAFF -- INDEFINITELY UNTIL OUR STAFF HAVE FULL BRIEFING FROM CITY STAFF AS TO ALL OF THESE COMPLEX ISSUES AND BRING IT BACK AT A LATER TIME TOM BROKAW SO MOVE.

Mayor Wynn: SECONDED BY COUNCILMEMBER MCCRACKEN TO POSTPONE ITEM NO. 54 AND WOULD -- WOULD LOOK TO CITY STAFF TO HELP US THINK ABOUT WHEN TO BRING THAT BACK. FURTHER COMMENTS? ALL IN FAVOR?

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 TO POSTPONE. THANK YOU ALL VERY MUCH. I APOLOGIZE FOR THE FOLKS HERE WAITING FOR ZONING CASES. WE TEND TO HAVE THE ABILITY TO GET A FEW AGENDA ITEMS OFF THE DOCKET TO SEND SOME FOLKS HOME. AT THIS TIME WE WILL GO BACK TO OUR ZONING CASES. I WILL -- I WILL RECOGNIZE MR. GUERNSEY OR MS. GLASGO.

Slusher: MAYOR, I'M GOING TO HAVE TO BE OFF THE DAIS TO EAT, BUT I'LL BE TAKING THIS IN ON TV.

I'M BRYAN BLOCK WITH NEIGHBORHOOD PLANNING AND ZONING. I WILL BE PRESENTING ITEM Z-2 WHICH IS THE BRENTWOOD HIGHLAND COMBINED NEIGHBORHOOD PLAN AND ALSO Z-8 THE REZONINGS TO IMPLEMENT THE BRENTWOOD HIGHLAND NEIGHBORHOOD PLAN AS WELL AS ITEM Z-7, Z-7 IS AN INDIVIDUAL CASE THAT CASE IS ALSO PART OF Z-8 WHICH IS THE REZONINGS FOR THE BRENTWOOD HIGHLAND NEIGHBORHOOD PLAN. EACH OF THESE ITEMS IS READY FOR FIRST READING. PLEASED TO BE ABLE TO PRESENTS THE BRENT WOOD HIGHLAND COMBINED NEIGHBORHOOD PLAN. THIS PLAN IS THE RESULT OF 14 MONTHS OF WORK BY CITY STAFF AND A DIVERSE GROUP OF STAKEHOLDERS INCLUDING RESIDENTS, PROPERTY OWNERS, BUSINESSES AND CIVIC INSTITUTIONS IN THIS AREA. I REALLY WOULD LIKE TO COMMEND THE STAKEHOLDERS THEY PUT A LOT OF TIME AND EFFORT INTO THIS AND MAINTAINED A COMMITMENT TO DEVELOPING SOLUTIONS THAT WORKED FOR EVERYBODY. THE -- THE -- THE BRENTWOOD HIGHLAND PLAN WILL GUIDE FUTURE GROWTH AND DEVELOPMENT IN THIS AREA. WHAT I WANTED TO DO NEXT WAS TAKE YOU THROUGH THE OVERVIEW OF THE AREA AND BRIEFLY GO OVER THE LAND USE PLAN FOR THE AREA. I'LL MOVE OVER HERE TO DO THAT. THE BOUNDARIES FOR THE AREA OF BURNET ROAD ON THE WEST, MIDDLE FISKVILLE AND TWIN CREST ON THE EAST, JUST WEST OF I-35. ON THE SOUTH KOENIG LANE 45th STREET AND ON THE NORTH ANDERSON LANE AND JUSTIN LANE. LAMAR BOULEVARD DIVIDES THE BRENTWOOD AND HIGHLAND PLANNING AREAS. IT RUNS RIGHT DOWN THE MIDDLE THERE. KOENIG LANE DIVIDES THE BRENTWOOD AREA INTO NORTH AND SOUTH PORTIONS OVER AT HIGHLAND AIRPORT BOULEVARD DIVIDES THE HIGHLAND AREA INTO NORTH AND SOUTH PORTIONS AND SAINT JOHN'S DIVIDES THE AREA INTO NORTH AND SOUTH PORTIONS AS WELL. WHAT I WANT TO DO NEXT IS JUST TAKE YOU THROUGH A BRIEF OVERVIEW OF THE LAND USE PLAN. THE STRATEGY USED TO DEVELOP THE LAND USE PLAN INCLUDES MAINTAINING ESTABLISHED SINGLE FAMILY AREAS. YOU SEE ALL OF THESE IN YELLOW ON THIS MAP. IT ALSO INCLUDES THE STRATEGY ACCOMMODATES NEW RESIDENTIAL GROUP IN THE INTERIOR BY USING SPECIAL USE OPTIONS, THESE INCLUDE GARAGE APARTMENTS AND

SMALLER LOTS SINGLE FAMILY. THE STRATEGY PROMOTED HIGHER DENSITY USES AND MIXED USE REDEVELOPMENT ON THE MAJOR CORRIDORS. THOSE BEING BURNET AND LAMAR AS WELL AS AIRPORT BOULEVARD. AND FINALLY, THE LAND USE STRATEGY UTILIZED THE TRANSITIONAL AREAS BETWEEN THE MAIN CORRIDORS AND THE INTERIOR AREAS FOR LOWER INTENSITY COMMERCIAL MIXED USE OFFICE MIXED USE AND MULTI-FAMILY. I WILL -- THESE ITEMS ALSO INCLUDE THE ZONING CHANGES TO IMPLEMENT THE FUTURE LAND USE MAP AS I MENTIONED. THAT'S THE END OF MY INITIAL PRESENTATION. I'M AVAILABLE TO ANSWER QUESTIONS NOW AS WELL AS AFTER THE PUBLIC HEARING.

THANK YOU. QUESTIONS FOR STAFF, COUNCIL? IF NOT WE WILL GO TO -- WE WILL GO TO -- THE PUBLIC HEARING -- AND WITH -- WITHOUT OBJECTION COUNCIL LET'S CALL UP Z-2 AND Z-8, CONCURRENTLY AS FAR AS THE PUBLIC HEARING GOES, MOST FOLKS HAVE SIGNED UP FOR BOTH THE SAME INDIVIDUALS AND SIGNED UP FOR BOTH ITEMS. AND WITH THAT WE WILL START TAKING SPEAKERS. MR. WILL HOUSTON. WILL HOUSTON APPRECIATE YOUR PATIENCE, SIR, EVERYBODY'S. YOU'LL BE FOLLOWED BY -- BY DAVID MCGRATH. GOOD EVENING, MY NAME IS WILL HOUSTON, I REPRESENT MY FAMILY AND PARTNERS THAT HAVE OWNED THESE TWO PARCELS FOR MORE THAN 40 YEARS. THERE'S A MAP ENCLOSED THERE. DURING THAT TIME WE HAVE DONE EVERYTHING THAT WE COULD TO BE GOOD NEIGHBORS. WHEN A, IS TAGGED THE TAG IS PROMPTLY REMOVED. NOT TOO LONG AGO WE NEEDED NEARLY 80 CANS OF GRAFFITI REMOVER TO REMOVE A TAG 20 FEET LONG, 8 FEET TALL. WE DID NOT ASK THE CITY TO DO THIS. THROUGHOUT THE YEARS WE HAVE CONTINUED TO PICK UP THE LITTER THAT COMES TO BOTH OF THESE SITES. PLEASE TAKE A LOOK AT THE DILAPATED PROPERTY AT THE BOTTOM OF THE MAP AND NOTE THE FIRST FOUR PICTURES. DELINEATED. THIS IS TYPICAL OF WHAT WE HAVE PICKED UP OVER THE YEARS. THE NEXT TWO PICTURES ARE PERMANENT STRUCTURES THAT ARE FIVE TO SIX FEET FROM THE FENCE. THE CITY CALLS FOR A SETBACK OF 10 OR 15 FEET. THE 50-FOOT STRIP OF S.F. 3 IS LAND WE CANNOT DEVELOP. SO THIS DISTANCE BETWEEN THE BUILDING -- BETWEEN A BUILDING ON THIS LOT WOULD BE AT LEAST 100 FEET FROM THE

NEAREST HOME. YOU WILL NOTE IN THE NEXT TWO PICTURES A GOOD BUFFER HEDGE ALREADY EXISTS BETWEEN US AND MOST OF OUR NEIGHBORHOODS. TODAY WE ASK THAT THE RIGHTS THAT ARE TAKEN AWAY FROM US BE LIMITED TO THE FOLLOWING. A CAMPGROUND, BLOOD PLASMA CENTER, RECYCLING COLLECTION, EXTERMINATING SERVICE, KENNELS, OUTDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, AND PAWN SHOPS. WE UNDERSTAND THAT THE CONCERNS OF THE NEIGHBORHOOD GROUP OF THESE, BUT THE OTHERS LEAVE US WONDERING. THE REMAINING ISSUES WILL SERVE THE NEIGHBORHOOD AS WELL AS THE COMMUNITY. A FEW OF THESE WOULD TAKE SPECIAL NOTE TO US, RESTRICTING US TO 20,000 FEET OF GENERAL RETAIL OF ANY TYPE SEEMS UNBELIEVABLE. THE [INDISCERNIBLE] BUILDING IS 81,000 SQUARE FEET. IF THIS -- IF THIS SITE HAS THIS KIND OF RESTRICTION IT NEARLY GUARANTEES THERE WILL BE DIMINISHED IN QUALITY BECAUSE IT WOULD LEND THE REMAINDER OF THE BUILDING AND CITE THE WAREHOUSE USE ONLY. THUSLY THE IMPETUS TO IMPLEMENT FACELIFTS AND UPGRADES WOULD BE LESSENERED. IN ADDITION I WOULD SUGGEST THAT BOTH OF THESE SITES ARE VIRTUALLY SEPARATED FROM THE NEIGHBORHOOD. THE CIRCLE LOT DOES NOT EVEN SHARE A VET WITH ANY SINGLE FAMILY LOT. THE BUILDING SITE AT THE TOP OF THE MAP IS SEPARATED FROM THE BUILDING BY A CREEK THAT IS ABOUT 60 FEET [BUZZER SOUNDING]

Mayor Wynn: PLEASE TRY TO CONCLUDE, MR. HOUSTON.

SEPARATED BY 60 FEET. IF WE ARE ABLE TO -- TO -- IF WE PUT A LITTLE DRIVE THROUGH STRUCTURE IN THIS PARKING LOT, IT WOULD BE OVER A FOOTBALL FIELD LENGTH FROM THE NEAREST SINGLE FAMILY STRUCTURE. THE LAST PICTURE WAS TAKEN FROM THE DRIVE THROUGH SITE WHERE X IS ON THE MAP. THE HOUSE ACROSS THE CREEK ARE VIRTUALLY NOT SUPPOSED TO THIS -- EXPOSED THIS BUILDING. IF THERE IS ADDED TRIP REASONING, MOST HAS COMMERCIAL, SCHOOL OR HIGHWAY DEPARTMENT USE. I WOULD LIKE TO ALWAYS MENTION HIGHLAND MALL IS ONE SIDE OF IT, THE HIGHWAY DEPARTMENT JUST AROUND THE CORNER. SO THIS IS NOT QUITE A -- NOT A QUIET LITTLE STREET THAT OUR ACTIVITIES WOULD DISTURB. WE DO

HAVE MORE THAN ADEQUATE PARKING. AS A MATTER OF FACT WE HAVE MORE THAN TWICE AS MUCH PARKING AS RETAIL WOULD REQUIRE. ON THE BUILDING SITE.

Mayor Wynn: PLEASE CONCLUDE.

THANK YOU FOR YOUR CONSIDERATION.

Mayor Wynn: THANK YOU, MR. HOUSTON. YES, COUNCILMEMBER DUNKERLY?

Dunkerley: COULD THE STAFF -- COULD THE STAFF HELP US BY IDENTIFYING THESE TRACTS BY NUMBERS SO WE CAN --

I'M SORRY, I SHOULD HAVE DONE THAT.

Dunkerley: OKAY. THE.

THE NORTH TRACT IS 244 AND THE SOUTH TRACT IS 268.

Dunkerley: 244, 268. THANK YOU.

Mayor Wynn: THANK YOU, MR. HOUSTON. GENE AND MIKE O DEL SIGNED UP NOT WISHING TO SPEAK IN FAVOR. MR. DAVID MCGRATH WHO WILL BE FOLLOWED BY CHRIS CASPER AND DAVID YOU HAVE A NUMBER OF FOLKS WHO SIGNED UP WISHING TO DONATE TIME TO YOU. IF THEY ARE HERE, THAT WILL OCCUR. JOHN COVAS, WELCOME, SIR. CHERISE, HI, WELCOME. KATY COVAS. SO MR. MCGRATH YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT.

OKAY. THANK YOU, I DON'T THINK THAT I WILL. MR. MAYOR, MAYOR PRO TEM AND COUNCILMEMBERS, THANK YOU SO MUCH FOR THE OPPORTUNITY TO SPEAK. I AM HERE CHIEFLY TO SUPPORT THE PLAN THAT WE CAME UP WITH. I AM A RESIDENT OF THE BRENTWOOD NEIGHBORHOOD AS WELL AS A -- AS WELL AS A BUSINESS OWNER AND MY BUSINESS IS IN THE BRENTWOOD NEIGHBORHOOD AS WELL. SO I WAS VERY MUCH INVESTED IN THE IDEA OF PUTTING TOGETHER A LONG-TERM PLAN TO HELP OUR NEIGHBORHOOD DEVELOP IN THE RIGHT WAY. I'M HERE ON BEHALF OF THE MANY PEOPLE IN BRENTWOOD WHO SPENT THE LAST 14 MONTHS WORKING ON THIS PLAN BUT DIDN'T

COME HERE TONIGHT. THE PLAN THAT YOU HAVE BEFORE YOU IS THE PRODUCT OF OUR YEAR-LONG DISCUSSIONS AND COMPROMISES. WE WERE VERY THANKFUL FOR THE GUIDANCE PROVIDED FOR US BY CITY STAFF, ESPECIALLY MR. BRYAN BLOCK WHO SERVED AS OUR REFEREE AND OUR EMCEE AND LIAISON WITH THE REST OF THE CITY STAFF. BY THE END OF THE PROCESS, I DON'T THINK ANY PARTICULAR STAKEHOLDER HAD GOTTEN EVERYTHING THAT THEY WANTED. BUT THROUGH THE TRADEOFFS AND COMPROMISES THAT WE HAVE MADE WE HAVE BEEN ABLE TO COME UP WITH THIS PLAN THAT SATISFIED THE MOST POSSIBLE NEIGHBORHOOD STAKEHOLDERS ON THE MOST POSSIBLE ISSUES. I THINK THAT YOU WILL FIND THAT THIS PLAN IS FAIR AND HAS AN EYE TOWARDS THE FUTURE. WE HAVE CLEANED UP MOST OF THE ZONING PROBLEM AREAS AND REMOVED MOST OF THE HAPHAZARD SPOT ZONINGS THAT OCCURRED IN YEARS PAST IN THE ABSENCE OF A GOOD OVERALL PLAN LIKE THIS ONE. THAT WAS A SPEECH THAT I HAD WRITTEN LAST WEEK TO COME AND RECOMMEND THIS PLAN TO YOU. IT'S BEEN A VERY INTERESTING PROCESS, I HAVE GOTTEN TO KNOW A LOT OF MY NEIGHBORS, MY FELLOW RESIDENTS, MY FELLOW BUSINESS OWNERS MUCH BETTER AND APPRECIATE THE PROCESS THAT IT TAKES TO DO GOOD CITY PLANNING. UNFORTUNATELY I DID FIND OUT EARLY THIS WEEK THAT THERE IS A PETITION FILED AGAINST MY PIECE OF PROPERTY THAT IS IN BRENTWOOD. I'M ACTUALLY THE LAST OF THOSE. I'LL BE BACK UP HERE LATER ON I THINK FREE TO TALK TO ME. THAT'S ALL THE TIME THAT I NEEDED. I JUST WANTED TO GIVE YOU MY ENDORSEMENT AS A RESIDENT AND A BUSINESS OWNER, BUT THIS IS A GOOD PLAN THAT WE ARE PROUD OF.

THANK YOU, MR. MCGRATH. CHRIS CASPER WILL BE FOLLOWED BY DON JACKSON OR TERRY TALLER. WHO WILL BE FOLLOWED BY AMELIA LOPEZ PHELPS. WELCOME, SIR, YOU'LL HAVE THREE MINUTES.

THANK YOU, MR. MAYOR. MEMBERS OF THE COUNCIL, MY NAME IS CHRIS CASPER, HERE ON BEHALF OF DUKE COVERT. THE OWNER OF PARCELS LOCATED WITHIN 15 A AND B IN THE BRENTWOOD NEIGHBORHOOD PLAN. TO DETAIL IT'S RIGHT OFF OF BURNET ROAD. ACTUALLY HAS

FRONTAGE. IT'S A UNIQUE SPOT BETWEEN ADAMS AND CLAY. THE PROPERTY WAS ZONED COMMERCIAL FIRST, CAME THROUGH IN TWO ZONING CASES, PART OF IT ZONED IN '86 ANNEXED THE OTHER PARCEL REZONED [INDISCERNIBLE] THE AERIAL MAP HERE KIND OF DETAILING VERY HARD TO SEE. BUT BASICALLY IT'S BEEN IN IT'S CURRENT CONFIGURATION SINCE THE MID '60'S. TO KIND OF DETAIL THE SITE FOR YOU BETTER, IT'S ALL OF THE ANTIQUE STORES, FURNITURE REPAIR, THERE'S SOME WAREHOUSING, THIS IS A VIEW FROM BURNET ROAD. THAT'S THE PROPERTY AND THEN A NARROW DRIVE THROUGH THAT RUNS ALL THE WAY BACK TO CLAY STREET.

CAN YOU POINT ON IT YOU THE ON -- IT OUT ON THE LARGER NEIGHBORHOOD PLAN MAP AS WELL.

IT IS. RIGHT HERE BETWEEN ADAMS AND CLAY, THANK YOU.

15 A AND 15 B. THE TRACT IN 15 A, STAFF WAS RECOMMENDING A -- A CS STILL WITH THE CONDITIONAL OVERLAY AND WE ARE OKAY WITH THAT. IT'S THE TRACT AT THE BACK THAT THEY ARE RECOMMENDING G.R., I BELIEVE THE NEIGHBORHOOD WOULD LIKE L.R. WE WOULD LIKE TO SAY CS. AS I'VE MENTIONED IT IS A UNIQUE TRACT IT IS BASICALLY UTILIZED AS ONE PROPERTY, RUNS ALL THE WAY THROUGH, SIMILAR TO PROPERTIES TO THE NORTH UP AGAINST THE RESIDENTIAL PROPERTIES. THAT IT'S COMMERCIAL USES. IN THAT REGARD, WE WOULD JUST LIKE COUNCIL TO VIEW THE PROPERTY AS ONE TRACT ALL THE WAY THROUGH, FINAL ZONING C.S. C.O. M.U. N.P. WE JUST CAN'T AGREE TO THE G.R. THERE ARE USES OUT THERE THAT REQUIRE C.S. ZONING LIKE I SAID, THERE'S WAREHOUSING, ? FURNITURE REPAIR. THINGS OF THAT NATURE. SO ON HIS BEHALF, WE HAVE FILED A PETITION TO KEEP OUR ZONING AND NOT TO UNDERGO A ZONING CHANGE, THANK YOU FOR YOUR TIME.

THANK YOU, MR. CASPER. TER TERRY TOLLER OR JOHN DAKOTA JOHN.

THANK YOU FOR HAVING US HERE. I MANAGE AND LEASE ALL OF THE COMMERCIAL PROPERTY FOR MR. JACKSON. THIS TRACT IS 77 B. 814 ROMERA. [INDISCERNIBLE] CHANGE OUR

C.S. 1 ZONING TO C.S. M.U. C.O. N.P. JUST TO GIVE YOU A LITTLE BIT OF A HISTORY ON THIS. THIS WAS ORIGINALLY SIX LOTS, MR. JACKSON BOUGHT IT. BACK WHEN THE NAME WAS MAYFIELD. PUT THREE BUILDINGS ON IT. AND STARTED SOME BUSINESSES. THE CITY CAME ALONG, A LITTLE BIT AFTER THAT, AND ASKED FOR US TO GIVE BACK 15 FEET SO THAT THEY COULD WIDEN THE STREET AND DEVELOP IT MORE FOR COMMERCIAL USES AS WELL. MR. JACKSON AGREED TO THAT. THEY ALSO ASKED TO CHANGE THE NAME TO ROMERA FROM MAY FEEL, HE AGREED TO THAT. HE WAS ASSURED THAT THAT C.S. ONE RATING WOULD ALWAYS BE THERE. NOW WE'RE COMING BACK AND THEY WANT TO TAKE AWAY THE RIGHT. THEY WANT TO -- THE RATING. PUT CONDITIONAL OVERLAY OVERLAYS ON IT TO FURTHER RESTRICT THE USE OF THE BUILDING. BY TAKING THAT 15 FEET, WE CUT A LOT OF PARKING OUT IN FRONT OF THE BUILDING. WE ONLY HAVE NINE SPOTS NOW. ANY RESTRICTIONS PUT ON THIS PROPERTY NOW IS GOING TO CREATE A TREMENDOUS HARDSHIP ON BEING ABLE TO RELEASE THIS BUILDING AND NOT ONLY THAT, BUT LOWER THE VALUE OF THE BUILDING TREMENDOUSLY. AND I DOUBT THAT THE TAXES WILL GO DOWN AS A RESULT. THEY WILL PROBABLY STAY HIGH. ONE OF THE CONDITIONAL OVERLAYS THAT'S IN THERE IS THAT WE CAN'T HAVE MONUMENT SALES. WE ARE RIGHT ACROSS THE STREET FROM THE FUNERAL HOME. DOESN'T MAKE A LOT OF SENSE. I THINK THAT WOULD BE A PERFECT PLACE TO HAVE A -- TO HAVE A DEALER SHOWROOM FOR MONUMENT SALES. SO WE WOULD ASK THAT YOU NOT PUT THESE CONDITIONAL OVERLAYS ON US AND KEEP THE C.S. 1. YOU KNOW GETTING NEW TENANTS IS VERY, VERY HARD, TIME CONSUMING, SO FORTH, IF WE HAVE TO RUN TO THE CITY EVERY TIME THAT WE HAVE A POTENTIAL TENANT AND ASK FOR APPROVAL OR ASK IF IT'S GOING TO BE OKAY TO DO IT, IT WASTES OUR TIME, IT'S GOING TO WASTE YOUR TIME BECAUSE YOU ARE GOING TO GET A CALL EVERY TIME WE HAVE INQUIRY ON THAT PROPERTY. SO I THINK THAT IT'S -- IT'S A WASTE OF TIME TO DO THAT FOR EVERYONE. I MIGHT ALSO SAY THAT I THINK THAT IT'S UNFAIR TO LONG-TERM COMMERCIAL PROPERTY OWNERS IN THIS CITY TO HAVE TO HAVE NEIGHBORHOOD ASSOCIATIONS COME INTO US AFTER THEY HAVE BOUGHT OR RENTED HOMES IN THE AREAS WHERE COMMERCIAL

DEVELOPMENTS ARE, WHICH HAVE BEEN THERE LONG BEFORE THEY EVER GOT THERE. OKAY? I THINK THE CITY WOULD BE BETTER SERVED BY -- BY LOOKING OUT FOR ESTABLISHED NEIGHBORHOODS AND TRYING TO STOP COMMERCIAL ENCROACHMENT ON THOSE ESTABLISHED NEIGHBORHOODS RATHER THAN GOING OUT AND TEARING DOWN LONG TERM COMMERCIAL PROPERTIES. WE ASK THAT YOU LEAVE THE COMMERCIAL -- THE ZONING AS C.S. 1 WITHOUT ANY RESTRICTIONS. THE PROPERTY HAS NO RESIDENTIAL LOTS ON EITHER SIDE OF THE BUILDING. SO PLEASE RETAIN THE ZONING TO C.S. 1, THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MR. TALLER. AMELIA LOPEZ FLEMS ITEMS WHO WILL BE FOLLOWED BY JIM WIRESOME. MS. ITEMS, FHELPS. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

WE HAD ASKED TO KEEP THE CS EXISTING ZONING, WHICH IS WHAT THE ZONING CATEGORY YOU NEED FOR THAT USE. BUT WE'VE ALSO GONE AHEAD AND YOU WILL SEE THE FIVE OTHER ITEMS APPROVING THE CSMUCO ALLOWING RESIDENTIAL AND REMAINING WITH THE CONSTRUCTION SALES AN ALLOWING ALL OTHER GR USE, NO OTHER CS USES ALLOWED IN GR AND THE USES THAT STAFF IS RECOMMENDING. AND ITEM 5, YOU WILL SEE WE FURTHER ADDED OTHER ITEMS THAT THE NEIGHBORHOOD ASKED US FOR LAST WEEK. SO WE'VE GONE AHEAD AND INCLUDED SOME ADDITIONAL RESTRICTIONS. REAL QUICKLY, THERE MAY BE SOME COMMENTS ABOUT 18-WHEELERS THAT ARE UP AND DOWN THAT STREET ALL THE TIME BECAUSE OF THIS BUSINESS. WE'VE ASKED OUR CLIENT TO PULL HIS INVENTORY SHEET AS FAR AS 18-WHEELER DELIVERIES. AND FROM JANUARY OF 2003 TO MARCH OF 2004, HE'S HAD 36 DELIVERIES, ALL BUT THREE OF THEM AVERAGED 30 TO 60 MINUTES PARKING ON THE STREET BECAUSE AS YOU CAN SEE THE TRACT IS VERY SMALL SO A TRUCK CAN'T DRIVE IN THERE. THE OTHER THREE DELIVERIES DID TAKE ANYWHERE FROM ONE TO TWO HOURS BECAUSE THEY HAD SOME PROBLEMS UNLOADING SOMETIMES BECAUSE OF EQUIPMENT PROBLEMS. SO THAT AVERAGES ABOUT TWO AND A HALF TRIPS, 18-WHEELERS PER MONTH ON THIS SITE. VERY QUICKLY, I THINK I HAVE MAYBE TWO MINUTES LEFT

OR SO. ON THE BLUE FOLDER, THIS ONE HERE, YOU HAVE ON YOUR LEFT-HAND SIDE YOU WILL HAVE THE TABS THAT GIVE YOU THE ADDRESSES, AND FOR THE DIFFERENT TRACTS. THESE ARE PROPERTIES THAT BELONG TO THE HARDEMAN FAMILY ESTATES. THESE ARE ALL AUTOMOTIVE DEALERSHIPS. YOU HAVE THE MERCEDES BENZ, PORSCHE. YOU HAVE A LIST ON YOUR RIGHTRIGHT-HAND SIDE WHICH GIVES YOU ALL THE TRACT NUMBERS AND THE ADDRESSES. AND WHAT WE'VE DONE FOR YOU IS WE'VE GONE AHEAD AND INCLUDED THE EXISTING CATEGORY AND USED THE CENTER, THE NEXT CATEGORY SHOWS THE REQUEST WE'RE HAVING WITH A BRIEF OVERVIEW OF THE CONDITIONS, AND THE RIGHTS ONE SHOWS YOU WITH THE NEIGHBORHOOD PLAN WE'RE PROPOSING TO MAKE IT SORT OF SIMPLER, BUT CLEARER FOR YOU, RIGHT BEHIND THAT WE HAVE A LETTER FOR EACH TRACT THAT SPECIFICALLY CALLS OUT THE CONDITIONS THAT WE'RE ASKING FOR. AND THE BOTTOM LINE ON THESE ITEMS, COUNCIL, IS THAT FOR THE MOST PART WE'RE IN AGREEMENT WITH THE STAFF'S RECOMMENDATIONS AND THE PLANNING COMMISSION RECOMMENDATIONS, AND THERE ARE FEW EXCEPTIONS SUCH AS THE CS, WHICH WE NEED TO HAVE VEHICLE STORAGE AND LIMITED WAREHOUSING IN IN THE EVENT THE MERCEDES SITE, IT MOVES THE DEALERSHIP AWAY AND BODY SHOP, THIS PROPERTY HAS BEEN IN THE FAMILY FOR QUITE A FEW YEARS, THEY WOULD LIKE AN OPPORTUNITY FOR THE FAMILY BUSINESS SPECIFICALLY TO USE IT TO STORE THESE HIGH END CARS IN HERE WHEN THE DELIVERIES ARE MADE BY THE MANUFACTURER. BECAUSE THEY USUALLY DELIVER AND YOU HAVE TO HAVE THEM SOMEWHERE. SO HE'S VERY FAMILIAR WITH ALL OF HIS SIZE DIVERSITY AREAS. WE'VE OFFERED TO GO AHEAD AND SEE IF WE CAN TALK TO THE CITY ATTORNEY TO COME UP WITH SOME LANGUAGE WITH A RESTRICTIVE COVENANT BETWEEN THE CITY OF AUSTIN AND THE LANDOWNERS FOLLOWING THE LAND, THAT THAT TYPE OF STORAGE, SHOULD THAT EVER HAPPEN, WOULD HAVE TO BE TYPED SPECIFICALLY ONLY FOR OUR CLIENT'S USE. IN OTHER WORDS, NOT HAVING HIMSELF -- SELL IT AND ALLOW AN INDEPENDENT PERSON TO COME IN AND JUST STORE VEHICLES, USED VEHICLES OR JUST ANY OTHER KIND OF LIMITED WAREHOUSING. AND THAT WOULD PROTECT THE

NEIGHBORHOOD AGAIN FOR THAT KIND OF CONCERN THAT THEY MAY HAVE. THE CS A PRIMARILY FOR THAT USE. THAT'S THE CATEGORY YOU HAVE TO HAVE. YOU DO HAVE IN ONE OF YOUR LETTERS HERE SHOW THAT WE DO HAVE A CONCERN ABOUT THE HEIGHT LIMIT FOR 40 FEET, WHICH SPECIFICALLY I BELIEVE IS ASSIGNED TO THE TEXAS HONDA DEALERSHIP ON THE SOUTHEAST CORNER OF WOODROW AND KOENIG. THAT'S A PRETTY LARGE LOT AND THE HEIGHT RESTRICTION, I BELIEVE, ON THAT WAS 40 FEET. SO WE'RE ASKING THAT THE CS LAND REGULATIONS BE ALLOWED. THE ONLY CSU'S BEING THE VEHICLE STORAGE AND WAREHOUSE OUT FOR VEHICLES, AND THE AUTOMOTIVE BODY PARTS IS WHAT WE'RE NEEDING THE WAREHOUSE CATEGORY FOR ACCORDING TO THE CITY WAREHOUSE CATEGORY LISTING. AND LASTLY, BECAUSE THAT DEVELOPMENT HAS BEEN THERE FOR QUITE AWHILE, THE HARDEMAN FAMILY IS -- YOU LOOK AT ALL THE PICTURES, THEY'RE QUITE CONSISTENT. THESE WERE TAKEN WITHOUT THEIR KNOWLEDGE IN ADVANCE. THEY KEEP THESE DEALERSHIPS VERY CLEAN AND NEAT. THEY HAVE MORE LANDSCAPING THAN THE CITY REQUIRES. IT IS OWNED BY THE FAMILY. AND THEY TAKE A LOT OF PRIDE IN THEIR PROPERTY AND THE DEVELOPMENT, AND AGAIN, THEY'VE INVESTED QUITE A BIT OF MONEY IN THEIR DEVELOPMENTS FOR QUITE A FEW YEARS, AND WOULD APPRECIATE THAT THEY BE ALLOWED TO KEEP THE VALUE OF THEIR PROPERTIES AS THEY ARE NOW. ANY SITES THAT YOU HAVE IN THERE THAT ARE LISTED UNDER MULTI-FAMILY OR SINGLE-FAMILY, IRONICALLY BEING USED FOR THE DEALERSHIP, WE'RE ASKING TO AT LEAST BE GIVEN THE APPROPRIATE EITHER GR TO CS ZONING CATEGORY BECAUSE THEY ARE USED NOW FOR EITHER PARKING FOR THEIR VEHICLES THAT ARE DELIVERED AND ALSO FOR THEIR EMPLOYEE PARKING TO TRY TO KEEP COMPLETE PARKING OFF THE STREET, WHICH IS USUALLY A COMPLAINT THAT YOU HEAR A LOT ABOUT. SO I'M AVAILABLE FOR ANY QUESTIONS IF YOU HAVE ANY.

QUESTIONS FOR MS. PHELPS? THANK YOU FOR THE SUCCINCT PRESENTATION. SAVED OVER TWO MINUTE OF TIME.

THANK YOU, MAYOR.

Mayor Wynn: MAYOR PRO TEM.

Goodman: I JUST NEED HER TO POINT THEM OUT.

Mayor Wynn: IF I COULD ASK ALL PRESENTING PROPERTY OWNERS IF THEY COULD POINT AND SHOW US ON THE NEIGHBORHOOD MAP WHERE THESE INDIVIDUAL TRACTS ARE. IT HELPS US TRY TO FOLLOW ALONG.

OKAY. WE HAVE KOENIG LANE, TRACT 99. THIS IS THE TEXAS HONDA. THIS IS THE BOWLING ALLEY BEHIND US. SO THE ONE RIGHT ON KOENIG LANE AND THE LITTLE CORNER THAT JOGS AROUND, THAT'S THE TRACT 99 FOR TEXAS HONDA. TRACT 94, A PORTION OF THIS, THE BROWN ONE, IT'S NOT THIS WHOLE LINE HERE. THIS IS THE TEXAS HONDA USED CAR SHOP. THAT'S A GR RECOMMENDED, I BELIEVE, AND THERE'S A HEIGHT RESTRICTION, WHICH IS FINE. WE THINK THAT'S APPROPRIATE BECAUSE THERE'S A SINGLE-FAMILY HOUSE RIGHT BEHIND US. THIS IS PRIMARILY IN THE BRENTWOOD AREA. IN THE HIGHLAND AREA, WE HAVE AIRPORT -- THIS IS A LITTLE DIFFERENT FROM THE MAP I WAS USING, SO BEAR WITH ME. YOU HAVE THE TRACTS OVER HERE AT -- OVER HERE AT KINKINGSTON. THIS IS THE MERCEDES BENZ, TRACT 271, WHICH IS THE GOLD COLOR HERE. THE TRACTS OVER HERE BEHIND US, 272, 282, ON THIS MAP, THE WAY IT SHOWS, YOU HAVE EXISTING PARKING IF YOU LOOK AT YOUR PICTURES, ON THIS FRONT, AND I'M THINKING SOME OF THOSE PICTURES THAT SHOW YOU HOW THEY'VE ADDED SOME PRETTY EXTENSIVE VEGETATION FOR VISUAL BUFFERS FOR THE SURROUNDING PROPERTY OWNERS. YOU COME BACK AROUND HERE TO AIRPORT AND HUNTLAND DRIVE, THIS BLUE SECTION HERE, IT MAYBE A LITTLE CONFUSING ON THAT CHART, BUT THIS 240 HERE IS ACTUALLY A SPLIT ZONE. SOME OF THESE TRACTS ARE GR, SOME ARE CS AND THEN ON THIS MAP YOU CAN'T SEE FROM THERE, THERE'S A LITTLE STRIP BACK HERE THAT IS MF-4. IT A BUFFER THAT'S BEEN PLACED THERE BETWEEN THE DEALERSHIPS AND THE SINGLE-FAMILY BEHIND US. SO WE WEREN'T REALLY SURE HOW THAT ZONING WAS GOING TO WORK, WHICH IS WHY YOU SEE A LITTLE NOTE FROM ME ON THAT. YES, MA'AM? THESE WERE ALL THE DEALERSHIPS.

SOME OF THESE HAVE MULTIPLE TRACTS, WHICH IS WHY YOU HAVE 10 TRACTS ON THAT CHART. BUT IT'S BASICALLY THE DEALERSHIP THAT WE LISTED FOR YOU, THE INFINITY, THE PORSCHE, THE SAAB, THE CONTINENTAL CARS, MERCEDES BENZ HERE, TEXAS HONDA, TEXAS HONDA USED, AND AS FAR AS THE DEALERSHIPS GO. AND CLAY AVENUE, IF YOU WOULD LIKE ME TO POINT THAT OUT TO YOU REAL QUICKLY, IS DOWN HERE SOMEWHERE. HERE'S YOUR CLAY AVENUE. WE'RE JUST ONE OF THE TRACTS OVER HERE UNDER 15 B. AND SO WE'RE RIGHT LITERALLY ALMOST NEXT TO BURNET ROAD.

Mayor Wynn: THANK YOU MS. LOPEZ-PHELPS. I WILL SAY WE'RE GOING TO HAVE A LITTLE BIT OF DIFFICULTY FOLLOWING MANY OF THESE TRACT NUMBERS. AS AN EXAMPLE, THESE MOST RECENT CASES BROUGHT IN BY MS. LOPEZ PHELPS APPARENTLY WEREN'T ON OUR MOTION SHEET AND THEY'RE RELATIVELY RECENT VALID PETITIONS, SO WE DON'T HAVE A MOTION SHEET THAT INCLUDES TRACTS 99 OR 271, ETCETERA. SO WE WILL HAVE TO STRUGGLE THROUGH THIS, I THINK. THANK YOU FOR THE PRESENTATION. JIM WE'RESEMA. WELCOME, SIR. YOU WILL BE FOLLOWED BY MAREK CASHMAN. WHO WILL BE FOLLOWED BY JIM BENNETT.

MAYOR AND COUNCILMEMBERS, LOCATION OF THE PROPERTY I'M SPEAKING TO IS THIS AREA HERE.

Mayor Wynn: THANK YOU VERY MUCH.

MY NAME IS JIM WE'RESMAN. WE OWN A PROPERTY AT 6719 BURNET LANE, WHICH IS THAT LITTLE ROAD THAT COMES OFF OF BURNET ROAD AND RUNS MORE OR LESS AT AN ANGLE, BUT SOMEWHAT PARALLEL. WE'VE OWNED THAT BUILDING FOR 14 YEARS. WE HAVE AN ACTIVE MEMBERSHIP OF OVER 250 PEOPLE. IN FACT, THEY'RE MEETING TONIGHT. AND THEY HAVE GOOD SNACKS. I'M MISSING THAT. BUT OUR PROPERTY HAS BEEN ZONED CS FOR ALL THIS TIME. IT IS NOW PROPOSED TO GO CS-GRVMENTGR -- CS-MU-CO-NP, AND WE'RE IN SUPPORT OF THAT. WE'VE WORKED WITH THE FOLKS IN THE PLANNING GROUP TO GET THAT FROM WHAT IT WAS ORIGINALLY PROPOSED, WHICH WAS GR-MU-CO-NP. WE COULDN'T GO ALONG WITH THAT. SO WE FEEL LIKE

WE'VE COMPROMISED ALONG THE WAY. BUT WE REALLY DO NEED TO SUPPORT THIS CURRENT STAFF RECOMMENDATION BECAUSE IF IT WAS TO BE DILUTED, I DON'T BELIEVE WE COULD SUPPORT THE ACTIVITIES THAT WE DO. WE HAVE A SIGNIFICANT PUBLIC OUTREACH PROGRAM THAT WE PUT ON THE AUSTIN JIM CAPER SHOW EVERY YEAR. WE HAVE SCHOOL OUTREACH PROGRAMS. WE ALSO HAVE PUBLIC CLASSES AND SO FORTH AT OUR FACILITY. SO WE FEEL LIKE WE NEED THAT TYPE OF ZONING. SO WE'RE HERE IN SUPPORT OF THE PLAN AND IN SUPPORT OF STAFF RECOMMENDATIONS, AND WE JUST WANTED TO MAKE SURE THAT OUR STATEMENT IS KNOWN IN THAT REGARD. SO THAT'S BASICALLY WHAT I NEEDED TO TALK TO. AND WE WANT TO PROTECT OUR LONG-TERM INVESTMENT BECAUSE IT IS ONE OF OUR MOST VALUABLE ASSETS AS A SOCIETY. SO WE THINK THAT THIS ZONING CHANGE WILL SUPPORT THAT. THANK YOU.

Mayor Wynn: COUNCILMEMBER ALVAREZ.

Alvarez: CAN I JUST ASK WHAT TRACT NUMBER WAS HIS PROPERTY? I THINK YOU GAVE US THE ADDRESS.

IT'S ONE OF THE PROPERTIES UNDER 3. IT'S 1619.

Alvarez: THAT'S FINE. THANK YOU.

GOOD EVENING. MARK CASHMAN, 5602 CLAY AVENUE. IT'S 15 B. I'M ON THE NORTH SIDE OF DUKE COVERT'S PROPERTY AND CLAY FULLER, THE OTHER TWO PROPERTIES AT ISSUE HERE ON CLAY AVENUE. THANK YOU FOR THIS OPPORTUNITY. WE'VE OWNED AND OPERATED A SMALL BUSINESS AT 5602 CLAY FOR 14 YEARS. WE'VE ALWAYS BEEN CONSIDERATE AND CON CONSCIENTIOUS OF OUR NEIGHBORS. WE'VE NEVER CREATED A NUISANCE OR A LOUD NOISE. OUR CURRENT USE REQUIRES CS ZONING. THIS BUILDING IS MORE WELL SUITED FOR CS USE THAN SF-3 OR GR. EVEN PROSPECTIVE RENTERS APPARENTLY DO NOT SEE THIS PROPERTY AS RETAIL. THERE'S SIMPLY NOT ENOUGH TRAFFIC AND VISIBILITY. THEREFORE PLEASE ALLOW US TO KEEP OUR PROPERTY RIGHTS AND WHAT WE'VE WORKED SO HARD FOR FOR 14 YEARS. AND ALLOW US TO GET BACK TO WORK, STRIVING TO BE MORE

SUCCESSFUL AND CREATING MORE JOBS. THANK YOU.

Mayor Wynn: THANK YOU. JIM BENNETT, WELCOME, SIR. YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY TERRY McCANNON.

[INAUDIBLE - NO MIC]. COUNCIL, I'M HERE ON TONIGHT ON BEHALF OF KEN Mc WILLIAMS AT 6221 AND 6225 NORTH LAMAR, WHICH IS CURRENTLY OCCUPIED BY THE ABC BLIND AND DRAPERY COMPANY. THE REAR -- THE FRONT PORTION OF THIS PROPERTY THAT FRONTS ON LAMAR IS PROPOSED ON THE NEIGHBORHOOD PLAN TO BE COMMERCIAL ZONING, AND THAT'S APPROPRIATE FOR OUR NEEDS. HOWEVER, THE REAR PORTION OF THE PROPERTY, WHICH ACTUALLY HAS FRONTAGE AS WELL ON BURNS STREET, IS PROPOSED UNDER THE NEIGHBORHOOD PLAN TO BE REZONED TO MF. MY CLIENT, MR. McWILLIAMS, IS PROPOSING ON THIS PROPERTY, TO DEVELOP WITH AN INTERIOR DESIGN CENTER AND THOSE KIND OF BUSINESSES THAT WOULD COMPLEMENT THAT. WITH THE ABC BLIND AND DRAPERY COMPANY BEING LOCATED HERE FOR QUITE SOME TIME, THE PROPOSAL WOULD BE TO HAVE INTERIOR DESIGN, LIGHTING CENTER AND THOSE KIND OF THINGS SO THAT WHEN YOU WENT TO THIS FACILITY, YOU COULD PERHAPS USE ALL OF THE COMPLIMENTARY BUSINESS THAT HE'S PROPOSING TO DO AN INTERIOR DESIGN OF YOUR HOME. AND WE WOULD REQUEST RATHER THAN THE MF AS PROPOSED UNDER THE NEIGHBORHOOD PLAN THAT COUNCIL CONSIDER GR FOR THE BACK PORTION OF THESE PROPERTIES, WHICH AS I INDICATED TO YOU, GO TO BURNS STREET. RELATIVE TO TRAFFIC ISSUE AS YOU CAN SEE FROM YOUR MAP, BURNS STREET IS A SHORT STREET INTERSECTING WITH LAMAR PLACE, WHICH INTERSECTS TO LAMAR AS WELL AS JUSTIN DRIVE TO THE SOUTH. I WOULD CONSIDER THAT COUNCIL CONSIDER GR ZONING FOR THE BACK PORTION RATHER THAN THE MF AS PROPOSED ON THE NEIGHBORHOOD PLAN. THANK YOU.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: WHAT WAS THE TRACT NUMBER AGAIN ON THAT ONE?

IT'S IDENTIFIED AS 248 ON THE REAR AND 247 ON THE FRONT. LAMAR SIDE.

Dunkerley: THANK YOU.

Mayor Wynn: TERRY BUCHANAN?

I JUST WANTED TO POINT OUT THAT THAT'S NOT ON YOUR MOTION SHEET EITHER. THE FIRST WE'VE HEARD FROM MR. BENNETT WAS JUST TODAY.

Mayor Wynn: THAT'S FINE. WE UNDERSTAND THE TIMING CHALLENGES. TERRY BUCHANAN, WHO WILL BE FOLLOWED BY RICHARD BROCK.

GOOD EVENING, COUNCIL, MY NAME IS TERRY BUCHANAN, I LIVE AT 5614 CLAY AVENUE. I'M A LITTLE DISAPPOINTED I DIDN'T GET TO FOLLOW THE DAMNATIONS. I HAD A LITTLE DAMMED IF YOU DO, DAMMED IF YOU DON'T LINE, BUT I CAN'T USE IT TONIGHT. THE CLAY AVENUE ISSUES THAT I'M DISCUSSING WILL BE TRACT 15-B AND 16, WHICH IS MOTIONS 14, 15, 16 AND 20 ON YOUR SHEET. I WANT TO TALK ABOUT THE ZONING ISSUES ON A VERY SHORT STREET IN THE BRENTWOOD NEIGHBORHOOD, THAT'S CLAY AVENUE. IT'S ABOUT ONE QUARTER OF A MILE LONG, ABOUT ONE LAP OF BARTON SPRINGS. IT HAS ONLY 28 SF-3 ZONED LOTS. THERE ARE SOME COMMERCIAL DEVELOPMENT AT ONE END AND ONE NEIGHBORHOOD OFFICE SITUATED IN THE MIDDLE OF THE STREET. SEVERAL OF THE RESIDENTIAL PROPERTY OWNERS ON CLAY WORK VERY HARD ON THE NEIGHBORHOOD PLANNING PROCESS AND ONE OF THE REASONS THAT I PARTICIPATED IN THE PLANNING PROCESS WAS THAT THE GOALS BE ADDRESSED AS DESCRIBED TO US BY STAFF AND AS NOTED ON THE CITY'S OWN WEBSITE, WHY DO WE DO NEIGHBORHOOD PLANNING MET MY VISION OF WHAT EFFECTIVE PLANNING PROCESSES SHOULD LOOK LIKE. THE GOALS STATED WERE ABOUT WHAT THE NEW PLAN SHOULD ADDRESS, LAND USES THAT DO NOT MATCH EXISTING USES, NEW AND APPROPRIATE BUSINESSES FOR THE NEIGHBORHOOD, AND THE NEED FOR MIXED RESIDENTIAL AND COMMERCIAL OR MIXED USE ALONG THE BUSY CORRIDORS. WITH THOSE GOALS IN MIND I WAS GLAD THE CITY STAFF AND PLANNING COMMISSION AGREED

CONCEPTUALLY WITH THE NEIGHBORS ABOUT TRACTS 15-B, 5508, 5510, 5600 AND 5602 CLAY THAT CS WAS NOT APPROPRIATE FOR CLAY AVENUE. HOWEVER, THE RESIDENTS OF CLAY RECOMMENDED THAT THE ZONING BE LR, NOT GR, MU, CO, NP. AND WE WOULD STILL LIKE TO SEE THE CURRENT CS ZONING CHANGED TO LR WITH NO MU SINCE IT'S NOT A MAJOR CORRIDOR. REGARDING TRACT 16, 5611 CLAY, IT'S A SMALL HOUSE IN THE MIDDLE OF THE STREET CURRENTLY USED AS A CLINIC THAT THE NEIGHBORS RECOMMENDED BE REVERTED TO SF-3 ZONING AND THAT CITY STAFF AGREED WITH. HOWEVER, THE PLANNING COMMISSION WAS CHANGED TO NO-MU, WHICH IS NOT ACCEPTABLE TO THE NEIGHBORHOOD. THIS PROPERTY WAS ORIGINALLY ZONED AS A CHURCH AND WE'VE HAD TROUBLE WITH THE ZONING ISSUE SINCE THE CHURCH CLOSED ITS DOORS. THIS PROPERTY COULD EASILY BE CONVERTED TO SF 3 AND WOULD BETTER FIT THE CHARACTER OF THE NEIGHBORHOOD. IT WOULD FIT THE GOALS OF THE NEIGHBORHOOD PLANNING PROCESS AND MEET THE NEEDS OF THE FOLKS WHO LIVE AT CLAY. I'D LIKE TO BACKTRACK A LITTLE BIT. REGARDING 15-B WITH THE STRAIGHT SOLUTIONS, THE ROOFING COMPANY THAT AMELIA TALKED A LITTLE BIT ABOUT. SHE SAID THERE HAD ONLY BEEN TWO OR THREE DELIVERIES A MONTH FOR THE LAST 14 MONTHS. I'M SORRY, I CAN'T I DON'T REMEMBER WHAT THE TIME LINE WAS. THIS WEEK ALONE WE'VE HAD THREE DELIVERIES. I'VE TAKEN PICTURES OF THEM. THE NUMBERS JUST DON'T MATCH UP VERY WELL. YOU'RE GOING TO HEAR A LOT FROM PROPERTY OWNERS, COMMERCIAL PROPERTY OWNERS TONIGHT OF HOW DOWNSIZING THEIR CS PROPERTY TO GR-LR WILL IMPACT THEIR BUSINESS. BUT THEY'LL BE GRANDFATHERED WITH NO CHANGES, BUSINESS WITH CONTINUE AS USUAL. THANK YOU FOR YOUR HELP TONIGHT. THANK YOU FOR KEEPING DOWNTOWN, INNER CITY AUSTIN GREAT. APPRECIATE YOUR TIME.

Mayor Wynn: RICHARD BROCK, WHO WILL BE FOLLOWED BY BRAD GREENBLUM.

THANK YOU, MAYOR. I'M RICHARD BROCK WITH THE BRENTWOOD NEIGHBORHOOD ASSOCIATION.

Mayor Wynn: I'M SORRY, RICHARD, IS CHARLES GEFFEN

HERE? YOU'RE DONATING TIME TO RICHARD. SO YOU WILL HAVE UP TO SIX MINUTES.

THANK YOU, SIR. SO I JUST WANTED TO SAY BEYOND EVERYTHING ELSE THAT THERE'S AN OVERMINK SUPPORT FOR THIS PLAN AS IT COMES TO YOU FROM THE PLANNING COMMISSION. I THINK THE NUMBER IS 83% FROM THE SURVEY. AND I WANT TO SAY THAT FIRST BEFORE I GET INTO NITPICKING A FEW PARTS OF THE PLAN DOWN THE ROAD. I ALSO WANT TO POINT OUT IN THESE PACKETS THAT YOU RECEIVED FROM MR. GEFFEN THAT THERE'S SEVERAL TRACTS THAT WE PARTICULARLY WANT TO GO THE EXTRA MILE TO SUPPORT STAFF ON. WE KNOW THAT YOU'RE GOING TO BE HEARING FROM INDIVIDUAL PROPERTY OWNERS THAT MAY OR MAY NOT HAVE PETITIONS THAT ARE AGAINST THESE PROPOSALS, BUT WE SUPPORT THEM BECAUSE WE THINK THAT IT'S SOUND PLANNING. AND THE VARIOUS REASONS IN OUR PACKETS, WHILE I'M NOT GOING TO ENUMERATE THEM ONE BY ONE, THE OTHER THING I WANT TO SAY BEFORE I GET INTO THE ZONING SPECIFICALLY IS THAT THE PLAN COVERS A LOT OF THINGS. IT'S LAND USE, TRANSPORTATION, PARKS, URBAN DESIGN, AND AS THE VICE-PRESIDENT OF THE BRENTWOOD NEIGHBORHOOD ASSOCIATION, I'M TRYING TO CONSIDER ALL OF THAT, PLUS ALL OF THE ZONING CASES AND SQUEEZE THAT INTO SIX MINUTES. SO HOPEFULLY I CAN RELY ON THE FACT THAT YOU ALL WILL BE ABLE TO LOOK AT THE MATERIAL IN THAT PACKET. I'LL MOVE ON NOW TO SOME OF OUR ALTERNATE SUGGESTIONS THAT ARE ON -- I GUESS THAT WOULD BE PAGE 3. ONE OF THEM, TERRY, HAS TOUCHED ON, WHICH WAS 5611 CLAY. WE STRONGLY URGE YOU ALL TO DOWN ZONE THAT PROPERTY TO SF-3. WE THINK THAT'S GOING TO ELIMINATE SOME SPOT ZONING THERE. AS IT'S BEEN STATED BY OTHER PEOPLE, ANY USE THAT'S LEGAL NOW, WE UNDERSTAND WE'D BE ABLE TO CONTINUE. SO WE'RE LOOKING AT THE FUTURE WITH THIS PLAN, NOT -- I KNOW THERE ARE PEOPLE HERE THAT ARE GOING TO BE LOOKING AT JUST ONE LOT AT A TIME. BUT THE WHOLE PLAN OF THIS THEORY FOR THE FUTURE IS THAT WE THINK SF-3 MAKES MORE SENSE THERE. THE NEXT ONE IS 77-B, AND YOU CAN SEE THE REASONS STATED THERE. 79-A, TRACT 107. I WANT TO TALK ABOUT THIS ONE A LITTLE BIT BECAUSE IT'S THE

ONE PROPERTY WHERE WE HAVE A VALID PETITION. THIS ISSUE IN THEORY SHOULD HAVE BEEN SETTLED A LONG TIME AGO. THE APPLICANTS' REQUEST FOR REZONING WAS WITHDRAWN AT THE LAST MINUTE WHEN WE FIRST FILED THIS PETITION. AND I JUST WANT TO SAY THAT WE SAW NO REASON TO NOT FILE THE PETITION AGAIN BECAUSE IN EFFECT IN OUR MIND THE ISSUES HAVEN'T CHANGED. SO ALTHOUGH IT'S A SLIGHT DEEFDEVIATION FROM WHAT'S BEEN PUT FORTH BY STAFF RECOMMENDATION AND THE RESULT OF ALL THE HARD WORK OF THE STAKEHOLDERS, WE'RE HOPING YOU WILL GIVE THAT SOME CONSIDERATION. I DON'T KNOW HOW MUCH TIME I HAVE LEFT. I WANT TO ALSO SAY THAT YOU'RE GOING TO HEAR FROM -- YOU'VE HEARD FROM TERRY, BUT YOU WILL HEAR FROM A FEW OTHER PEOPLE WHO LIVE ON CLAY. AND IN YOUR PACKET YOU'RE GOING TO SEE THAT BASICALLY WITH THE EXCEPTION OF THE SINGLE PROPERTY ON CLAY THAT WE SUPPORT STAFF. AND WHEN I SAY WE, I MEAN THE BRENTWOOD NEIGHBORHOOD ASSOCIATION STEERING COMMITTEE. ALTHOUGH THAT'S TRUE, WE SUPPORT STAFF IN THEIR PROPOSALS THERE BECAUSE WE RECOGNIZE THAT IT'S A MOVEMENT FROM THE CS ZONING THAT'S THERE NOW. BUT WE DON'T WANT TO UNDERMINE OUR NEIGHBORS. AND CERTAINLY IF THEY'RE ABLE TO STATE A CASE TO YOU TONIGHT THAT WOULD GET YOU TO TAKE THAT ZONING DOWN EVEN FARTHER, YOU WOULD NATURALLY HAVE A BRENTWOOD NEIGHBORHOOD ASSOCIATION'S SUPPORT ON THAT. SO I WANTED TO MAKE THAT CLEAR BECAUSE THERE'S FIVE OR SIX PEOPLE WHO LIVE ON THAT STREET THAT ARE GOING TO BE ASKING FOR MORE THAN WHAT WE'VE DONE IN THAT PACKET. AND AGAIN, WE'RE TRYING TO LOOK AT THE FUTURE AND LOOK AT THE ENTIRE AREA AND NOT JUST ONE PROPERTY HERE, ONE PROPERTY THERE. WE HAD A WISH LIST THAT WAS CONSIDERABLY LARGER AT THE PLANNING COMMISSION PHASE. AND WE REALIZED THAT WE SHOULD PARE THAT DOWN AND TRY AND FOCUS ON JUST THE THINGS THAT WE FOUND REALLY IMPORTANT. SO THAT'S WHAT WE'VE DONE, THAT'S WHAT'S IN OUR PACKET. AND YOU KNOW WHAT, I DON'T THINK I HAVE ANYTHING ELSE TO SAY UNLESS YOU ALL MIGHT HAVE SOME QUESTIONS FOR US. THANK YOU.

Mayor Wynn: THANK YOU, MR. BROCK. QUESTIONS FOR MR. BROCK, COUNCIL? THERE WILL LIKELY BE SOME LATER ON RICHARD. HANG LOOSE. BRAD GREENBLUM, WHO WILL BE FOLLOWED BY BARBARA ARTHUR.

MAYOR, COUNCILMEMBERS, THANK YOU FOR THE OPPORTUNITY TO SPEAK TONIGHT. I REPRESENT A NUMBER OF PROPERTY OWNERS IN THE NEIGHBORHOOD PLAN AREA, SPECIFICALLY ALONG KOENIG LANE, AND THAT WOULD BE TRACT 107. AS MR. McGRATH AND OTHERS HAVE SAID, INCLUDING MR. BROCK, THE PLAN WAS A YEAR LONG PROCESS, LOTS OF PARTICIPATION FROM RESIDENTS, BUSINESS OWNERS, A LOT OF COMPROMISES, AND THE STAFF DID I THINK A GREAT JOB COORDINATING AND MARSHALLING ALL THE INFORMATION. MR. BROCK SAID THAT HIS NEIGHBORHOOD ASSOCIATION DID HAVE SOME ISSUES WITH SOME SITES. IN FACT, THEY HAD ISSUES WITH OVER 60% OF THE TRACTS THAT THE NEIGHBORHOOD PLAN AND STAFF RECOMMENDED. THE TRACT 107 EXTENDS FROM 1907 TO 2007 KOENIG LANE, AND THERE ARE 10 PROPERTIES. THE NEIGHBORHOOD PLAN AND STAFF'S RECOMMENDATION AS WELL AS PLANNING COMMISSION IS LO ZONING FOR THAT TRACT, AND AS YOU'LL SEE IN MR. BROCK'S MATERIALS, THEY ARE SEEKING N.O. FOR SOME OF THOSE, AND SPECIFICALLY TRACT 107 AND 2003 KOENIG LANE, WHICH IS THE SITE OF THE PARAGON SCHOOL. YOU HEARD EARLIER FROM THEIR HEAD MASTER WHO WAS THE REPRESENTATIVE FOR ALL THE BUSINESSES. BRIEF HISTORY FOR PARAGON, THEY PURCHASED TWO PARCELS ON KOENIG LANE. 1990, THE MAIN PARCELS ARE THE SCHOOL TODAY. AND 2003 IS AN EMPTY BUILDING IN MR. McGRATH, THE HEAD MASTER LIVES. THEIR GOAL IS TO RELOCATE THE FIFTH GRADERS, APPROXIMATELY 25 KID, AND THEIR ADMINISTRATIVE OFFICES OUT OF THEIR EXISTING BUILDINGS, MAINLY TO GIVE THEIR KIDS A LITTLE MORE ELBOW ROOM AND TO SEPARATE SOME IMMATURE YOUNGER FIFTH GRADERS FROM MAYBE SOME OLDER SIXTH, SEVENTH AND EIGHTH GRADERS. AND ALSO TO MOVE THE ADMINISTRATIVE OFFICES OVER. AT THE TIME THAT THEY PURCHASED THE PROPERTIES AND OPENED THEIR BUSINESS, THEY NEGOTIATED WITH THE NEIGHBORHOOD ASSOCIATION. THEY ENTERED INTO A RESTRICTIVE

COVENANT AND A CUP, WHICH LIMITS THE SIZE OF THE FACILITY, THE NUMBER OF STUDENTS, AND SPECIFICALLY ADDRESSES 1911 AND 2001, WHICH THEY'RE CONDUCTING BUSINESS TODAY. THE RESTRICTIVE COVENANT NOR THE CUP ADDRESSED 2003, WHICH IS THE SUBJECT OF THE VALID PETITION. WE'RE A LITTLE BIT CONFUSED AS TO WHY THE NEIGHBORHOOD GROUP SELECTED THIS SPECIFIC TRACT FOR A VALID PETITION. THERE ARE NO ADDITIONAL STUDENTS, THERE WILL BE NO ADDITIONAL TRAFFIC, THERE WILL BE NO CHANGE TO THE BASIC BUILDING THAT SITS THERE TODAY OTHER THAN SQUARING OUT THE SMALL 956 SQUARE FOOT OFFICE BUILDING. BASICALLY IT'S JUST TO GIVE THE KIDS A LITTLE MORE ELBOW ROOM. I FIND IT INTERESTING ALSO THAT OUT OF THE ENTIRE BLOCK, BOTH THE NORTH SIDE AND THE SOUTH SIDE -- [BUZZER SOUNDS] -- WHICH ARE ZONED LO, THAT THEY WOULD REQUEST N.O. ON THIS TRACT. AND I'LL WIND UP QUICKLY, MAYOR. THAT THEY WOULD LIKE TO ZONE THIS TRACT N.O., WHICH IS INCONSISTENT WITH ALL THE OTHER SIMILARLY SITUATED PROPERTIES ON BOTH SIDES OF THE STREET. AND SPECIFICALLY ELIMINATE PARAGON SCHOOL'S ABILITY TO UTILIZE THE PROPERTY FOR WHICH THEY'VE ALREADY OWNED FOR SOME TIME. WHAT WE WOULD DO IS REQUEST ON BEHALF OF PARAGON THAT YOU SUPPORT MOTION 19-A, WHICH IS TO SUPPORT THE NEIGHBORHOOD PLAN, AND THE PLAN THAT'S RECOMMENDED BY THE PLANNING COMMISSION. I APPRECIATE YOUR TIME AND WE'RE AVAILABLE FOR QUESTIONS OR COMMENTS.

Mayor Wynn: THANK YOU, MR. GREENBLUM. I SUGGEST YOU HANG AROUND. THERE WILL PROBABLY BE SOME QUESTIONS LATER. BARBARA McARTHUR? WELCOME.

[INAUDIBLE - NO MIC].

Mayor Wynn: YES, MA'AM. LOOKS LIKE IS EVAN HORNIG -- WELCOME, SIR. BARBARA, YOU WILL HAVE UP TO SIX MINUTES AND YOU WILL BE FOLLOWED BY GALE MCDONALD.

THANK YOU FOR ALLOWING ME TO BE HERE TONIGHT. MY NAME IS BARBARA McARREST CHUR. I'M GOING TO ADDRESS THE ISSUES OF CLAY AVENUE. I'D LIKE YOU ALL TO HAVE A PACKET BEFORE I START. I WANTED THEM TO LOOK AT THE

PICTURES BEFORE I STARTED SO THEY COULD SEE WHAT I WAS TALKING ABOUT. BECAUSE I'M GOING TO TALK VERY QUICKLY. CLAY AVENUE IS A SMALL RESIDENTIAL STREET THAT ENTERED THE NEIGHBORHOOD PLANNING PROCESS WITH A HOPE FOR THE FUTURE SO WE COULD FINALLY CHANGE THE POOR ZONING CHOICES OF THE PAST AND GO FORWARD WITH A DIFFERENT STREET SCAPE. I WILL AGREE THAT THAT'S THE SECOND SEMI THIS WEEK THAT I'VE SEEN ON THIS STREET, AND THERE'S AT LEAST TWO A WEEK, SOMETIMES THREE. IN THE 19 60'S, FIVE OF THE 33 RESIDENTIAL PROPERTIES ON CLAY AVENUE WERE REZONED AGAINST THE CITY STAFF AND THE NEIGHBORS' RECOMMENDATION. FOUR ON THE SOUTHWEST PORTION OF THE STREET WERE CHANGED TO CS TO PROVIDE FOR THE EXPANSION OF THIS STRIPLING BLAKE LUMBER COMPANY. THE PROPERTY AT 5611 WAS REZONED FOR A CHURCH. WE HAVE LIVED FOR 40 YEARS WITH THE LEGACY OF THESE INAPPROPRIATE DECISIONS, AND YET THE RESIDENTIAL CHARACTER HAS SURVIVED. NO MORE PROPERTIES HAVE BEEN REZONED AND A HEALTHY MIX OF URBAN RESIDENTS, HISPANIC, WHITE, BLACK, GAY, STRAIGHT, OLD, OWNERS, RENTERS, HAVE CALLED THIS STREET HOME. WE REQUEST THE CITY REZONE 5808, 5510, 5600 AND 5602 TO LR, LO OR SF-3. WE REQUEST THAT THE CITY SUPPORT THE STAFF RECOMMENDATION OF 5611 FROM LO TO SF-3. WHY SHOULD YOU SUPPORT MY REQUEST? SAFETY ISSUES. MY CHILDREN CAN'T RIDE THEIR BICYCLES BECAUSE OF THE SEMIS. LARGE TREE BRANCHES COME DOWN, POWER LINES COME DOWN, PHONE LINES COME DOWN BECAUSE OF THESE VEHICLES THAT COME DOWN THE STREET LOOKING FOR ACCESS TO AN AN ARREST ARREST ARTERIAL AND CAN'T FIND IT IN TRAVELED NEIGHBORHOODS. COMPATIBILITY ISSUES. YOUR OWN ZONING ORDINANCE SAYS COMMERCIAL SERVICES TYPICALLY HAVE OPERATING CHARACTERISTICS OR TRAFFIC SERVICE REQUIREMENTS GENERALLY INCOMPATIBLE WITH RESIDENTIAL ENVIRONMENTS. THE STAFF HAS RECOMMENDED GR, BUT WE'VE GONE TO LR BECAUSE GR SUGGESTS ACCESS TO AN ARTERIAL STREET WHICH CLAY AVENUE IS NOT. ECONOMIC ISSUES. I'VE GOT THE TAX RECORD. THE RESIDENTIAL PROPERTIES ON CLAY PAY \$117.64 PER SQUARE FOOT IN THEIR APPRAISALS. OBVIOUSLY, THE RESIDENTIAL IS THE HIGHEST AND BEST

USE. BECAUSE THIS NEIGHBORHOOD IS A VIABLE RESIDENTIAL AREA, NEW HOMES AND DUPLEX CONDOMINIUMS HAVE BEEN BUILT ON CLAY AND THE SURROUNDING STREETS, WHICH I'VE ILLUSTRATED HERE. THESE HOMES HAVE BEEN RANGING IN PRICE FROM 200 TO \$700,000. I KNOW THE COMMERCIAL PROPERT OWNERS HAVE ISSUES THAT THEY CAN'T CARRY ON WITH THEIR BUSINESSES IF YOU TAKE THIS ACTION. BUT ACCORDING TO CITY STAFF, ALL EXISTING LEGAL USES WOULD BE GRANDFATHERED. THEY WOULD BECOME LEGAL, NONCONFORMING USES. ON THE FOLLOWING PAGES I HAVE PHOTOS OF EACH OF THE BUSINESSES IN A SHORT DISCUSSION. 5602 CLAY IS A VERY WELL MAINTAINED PROPERTY, BUT AS YOU CAN SEE, IT REALLY DOES -- IT LOOKS MORE LIKE A LOCAL OFFICE BUILDING THAN A CS, SO WE WOULD ASK YOU TO MOVE THAT TO LO. THE OLD STRIPLING BLAKE LUMBERYARD IS THE ANTIQUE WAREHOUSE. IT'S NOT PARTICULARLY A GREAT VIEW FROM OUR HOMES AS YOU CAN SEE. WE FEEL IF THEY WANT TO KEEP THIS PROPERTY TOGETHER, THAT IT BE ZONED LR ON THE REAR PORTION. IT'S FINE IF IT'S CS ON THE FRONT, THAT FRONTS BURNET ROAD, AND I WOULD REALLY ASK YOU TO CLOSE THE ACCESS TO CLAY AVENUE. THIS IS A RESIDENTIAL STREET AND IT WOULD BE NICE IF THEY COULD CONFORM TO COMPATIBILITY STANDARDS TO HAVE A NICER STREET SCAPE. NOW, THE STRAIGHT SOLUTIONS IS A VERY WELL KEPT PROPERTY, BUT AN INDUSTRIAL STEEL ROOF MANUFACTURER DOESN'T REALLY BELONG ON A SMALL RESIDENTIAL STREET. AND IT'S REALLY TOO BAD THAT THE CITY THOUGHT THAT THIS WAS AN APPROPRIATE PLACE TO PUT A BUSINESSLIKE THAT. THE SPOT ZONING IS A SPOT ZONING. AND I HOPE THAT YOU'LL SUPPORT THE STAFF AND CHANGE IT BACK TO SF-3. AND IN CONCLUSION, I'LL HAVE TO QUOTE SPIKE LEE. DO THE RIGHT THING. WE DON'T ALL CHOOSE OR HAVE THE CHOICE TO LIVE IN A GATED NEIGHBORHOOD. FOR THOSE WHO MAKE THE COMMITMENT TO MAINTAIN OUR INNER CITY AFFORDABLE NEIGHBORHOOD, IT JUST SHOULDN'T BE SO HARD. THIS IS A RESIDENTIAL STREET. THIS IS SUPPOSED TO BE A PLANNING PROCESS. IF WE ARE LEFT WITH THIS INCOMPATIBLE DESIGNATIONS OF THE PAST, WE HAVEN'T ACCOMPLISHED

ANYTHING AT ALL.

Mayor Wynn: THANK YOU. GALE MCDONALD. WHO WILL BE FOLLOWED BY JEFFREY HIT.

HI. I'M GALE MCDONALD AND I'M A PROPERTY OWNER AT 5612 CLAY AVENUE. LET'S GET REAL STRAIGHT ABOUT CLAY AVENUE ACCESSING MAJOR THOROUGHFARES. FIRST OF ALL, IT DOES NOT ACCESS KOENIG AT ALL. IT ENDS IN A Y HERE AT YOU WILL RICK, WHICH IS ALL RESIDENTIAL. AND AS FAR AS CLAY ACCESSING BURNET ROAD, I JUST TODAY WENT AND I COULDN'T EVEN MAKE A RIGHT TURN R. TURN WITH MY FOUR CYLINDER LITTLE TRUCK. IT'S JUST NOT POSSIBLE. IT'S NOT -- ALSO, I'VE NEVER SEEN ANYBODY MAKE A LEFT TURN ON TO CLAY FROM BURNET. SO -- AND PARTICULARLY FOR BIG 18-WHEELERS IT WOULD BE OUT OF THE QUESTION. SO ANY ACCESS IS GOING TO COME FROM HOUSTON. AND THAT IS VERY LIMITED. BASICALLY I HAVE NO OBJECTION TO CURRENT OWNERS OR CURRENT USES, BUT I'M GOING TO TAKE THE CITY AT ITS WORD THAT THIS IS A GUIDE TO FUTURE GROWTH AND DEVELOPMENT, AND THAT'S WHAT IT'S ABOUT, WHAT CAN BE -- WHAT CAN BECOME WITH THE SUGGESTED ZONING. SO EITHER GR, CS WOULD ALLOW FUTURE REDEVELOPMENT THAT WOULD ALLOW SO MUCH TRAFFIC AND SO MUCH HEAVY TRUCK TRAFFIC ON THIS STREET AS TO PRECLUDE RESIDENTIAL USE. AND THAT WOULD MEAN LOSING HOUSING STOCK AND AFFORDABLE HOUSING STOCK AT THAT. THIS IS ONE OF THOSE SITUATIONS WHERE THE CITY COUNCIL NEEDS TO VOTE LIKE IT TALKS. IF Y'ALL ARE GOING TO TALK THE TALK OF PLANNING AND AFFORDABLE HOUSING IN THE CENTRAL CITY, THEN Y'ALL NEED TO WALK THE WALK IN THIS SITUATION. AND AGAIN, THOSE LOTS OF 5510, 55 -- 5510, 5600 AND 5602 ALL FRONT ON CLAY AVENUE. THEY HAVE NO ACCESS TO ADD ADAMS. SO THAT MAKES A DIFFERENCE TO US. THANK YOU SO MUCH.

Mayor Wynn: THANK YOU. JEFFREY HIT. AND SOME FOLKS HAVE OFFERED TO DONATE TIME TO YOU, JEFFREY. IS SHIRLEY BROUSSARD HERE. HELLO. AND DAVID IVALA. SORRY IF I'M MISPRONOUNCING THAT. WELCOME. YOU WILL HAVE UP TO NINE MINUTES.

THANK YOU. I AM THE PRESIDENT OF THE HIGHLAND NEIGHBORHOOD ASSOCIATION, AND I'M HERE TO SPEAK PRIMARILY ABOUT THE HIGHLAND NEIGHBORHOOD SECTION ON THIS SIDE OF THE MAP. ON THE EAST SIDE OF LAMAR BETWEEN 35 AND LAMAR. YOU CAN SEE FROM THE MAP IT'S A VERY DIVERSE AREA. WE'VE GOT THE STATE OFFICE BUILDINGS FOR D.P.S., WE'VE GOT HIGHLAND MALL, AND WE'VE GOT A RESIDENTIAL AREA THAT KIND OF SNAKES THROUGH ALL OF THAT. AND WE ARE FACING A LOT OF TRANSPORTATION ISSUES WITH THE -- BEING CLOSE TO 35, 183, 2222 SOUTH OF US AND LAMAR. AND WE'RE ALSO DIVIDED BY AIRPORT BOULEVARD AND ST. JOHN'S, SO WE'RE SWIMMING IN TRANSPORTATION. I THINK THAT WE'VE WORKED REALLY HARD TO DEVELOP THIS PLAN, TO ADDRESS THOSE ISSUES. THE BALANCE OF COMMERCIAL AND RESIDENTIAL USE AND ALSO TRANSPORTATION USES. AND IT'S BEEN DIFFICULT, BUT I THINK THAT THE NEIGHBORS THERE BY AND LARGE HAVE SORT OF EMBRACED THE IDEA THAT IT'S BECOME AN URBAN CORE AREA IN THAT SORT OF IDENTITY, AND THAT'S WHAT WE'D LIKE TO DO. WE'VE WORKED HARD TO MAKE ALL THESE DIFFERENT USES COMPLIMENT EACH OTHER. I'M GOING TO SKIP OVER SOME STUFF. ONE OF THE THINGS THAT OUR PLAN DOES, I WANT TO TALK OVERALL RATHER THAN ANY SPECIFIC-- A LOT OF SPECIFIC PROPERTIES. BUT ONE OF THE MAIN GOALS OF OUR PLAN, AND I'M NOT SURE IF YOU SEE IT ON THE LIST OF ZONING CASES, IS TO SORT OF RECONNECT OUR NEIGHBORHOOD. YOU CAN SEE THAT THERE'S A DIFFICULTY IN TERMS OF GETTING ACROSS ST. JOHN'S. THAT'S A DIVIDER. AIRPORT BOULEVARD IS A DIVIDER. AND THEN I GET TO DENSON, AND BETWEEN HIGHLAND MALL, THE SCHOOL, AND D.P.S., WE'RE COMPLETELY SEPARATED FROM THE SKYVIEW AREA, WHICH IS THE AREA AT THE VERY SOUTHERN END OF THE MAP. AND REALLY ONLY HAS ACCESS FROM 2222. SO THE -- FOR EXAMPLE, THE ZONING CHANGES THAT YOU SEE ON DILL LADDER CIRCLE AND ALONG DIN SON IS AN ATTEMPT TO MAKE THAT CONNECTION THROUGH THERE AND TO REESTABLISH THAT AS A VIBRANT NEIGHBORHOOD. RIGHT NOW WE'VE GOT SORT OF SOME REALLY RATHER EMPTY USES IN TERMS OF WAREHOUSING AND IN TERMS OF NOT SOMETHING THAT IS PEDESTRIAN FRIENDLY AND THAT REALLY SERVES THE IMMEDIATE NEEDS

OF THE NEIGHBORS. SO THAT'S KIND OF OUR VISION FOR THAT AREA. AS WELL THE OTHER PART OF THAT CONNECTION IS WALLER CREEK RUNS THROUGH OUR NEIGHBORHOOD. IT BEGINS IN OUR NEIGHBORHOOD PRETTY MUCH. AND WE'D -- I WANT TO DRAW YOUR ATTENTION TO THAT PART OF OUR PLAN, WHICH IS PART OF THE INFRASTRUCTURE, TO DEVELOP TRAILS AND PATHWAYS ALONG THERE THAT CAN SOMEHOW GET US ACROSS AIRPORT BETTER, AND THAT CAN GET US ACROSS ST. JOHN'S AND REALLY CONNECT THAT ENTIRE STRIP. SO THAT'S VERY IMPORTANT TO US, AND WE NEED HELP WITH THAT CONNECTIVITY. THE OTHER THING THAT I REALLY WANT TO DRAW YOUR ATTENTION TO IS ST. JOHN'S AVENUE. AND THIS IS A TOUGH AREA. IT'S DESIGNATED AN ARTERIAL ROAD, BUT ITS CHARACTER IS REALLY RESIDENTIAL. IT HAS SMALL HOUSES THAT FACE THE STREET ON BOTH SIDES OF THE STREET. PRETTY MUCH ALL THE WAY DOWN IT. AND THEN A LITTLE BIT OF COMMERCIAL DEVELOPMENT AT LAMAR AND, OF COURSE, THERE'S WEBB MIDDLE SCHOOL ON THE OTHER END, WHICH IS JUST OUTSIDE OF ACTUALLY THE PLAN AREA. AND THEN 35. AND OBVIOUSLY THERE'S SOME COMMERCIAL DEVELOPMENT ALONG 35. I ALSO WANT TO TALK ABOUT -- WELL, GOING ON ABOUT THAT... WE HAD A LOT OF DISCUSSION AND A LOT OF STRUGGLE WITH ST. JOHN'S. WE REALLY WANT TO SEE THIS BECOME A TRULY VIBRANT URBAN STREET, SOMETHING THAT YOU CAN -- WITH BUSINESSES THAT YOU CAN WALK TO. SO WE MADE SOME CHANGES, UPZONING TO LR AND N.O.-MU, CLOSER TO -- FROM GUADALUPE TO LAMAR. YOU WILL SEE THOSE UP ZONINGS. BUT WE REALLY WANT TO RETAIN A RESIDENTIAL ASPECT TO THIS STREET, AND IN SOME SENSE THE TOOLS REALLY WEREN'T AVAILABLE FOR US TO PRESERVE THAT RESIDENTIAL ASPECT. IF WE WANTED TO GO TO MIXED USE, THEN WE HAD TO CHANGE TO COMMERCIAL, BUT WE COULDN'T GUARANTEE THAT WE WOULD RETAIN ANY MIXED USE, ANY RESIDENTIAL WITH THAT COMMERCIAL ZONING, SO YOU SEE SORT OF A MIX, WHERE AT ONE END WE WENT AHEAD AND WENT AT THAT CHANGE. WE KEPT A HIGH DENSITY SINGLE-FAMILY ALONG THE REST OF ST. JOHN'S. ST. JOHN'S IS NOT GOING TO DEVELOP, THOUGH, JUST THAT WAY JUST FROM ZONING CHANGES. WE'VE GOT A VERY NARROW STREET WITH FOUR LANES ON IT THAT ARE

EXTREMELY NARROW LANES. THERE'S BUS TRAFFIC ALONG THERE AND LARGE TRUCKS THAT MOVE ALONG THERE AND HEAVY TRAFFIC. BUT THE LANES REALLY BARELY SUPPORT IT. IF YOU DRIVE ALONG ST. JOHN'S, YOU WILL NOTICE THAT ALMOST INCH EVERYONE'S MAILBOXES ARE TURNED SWAYS BECAUSE THE MIRRORS FROM THE TRUCKS WILL KNOCK THEM DOWN IF THEY STICK OUT A COUPLE OF INCHES. ALSO ALONG ST. JOHN'S YOU WILL SEE THAT THE SIDEWALKS FOR THE MORSE PART RUN RIGHT ALONG THE STREET OR THERE MAY BE A FOOT OR 18 INCHES OF BUFFER BETWEEN THE SIDEWALK AND THE STREET. SO THAT'S A REAL PROBLEM FOR US IN TERMS OF MAKING IT A WALKABLE AND FRIENDLY PLACE. SO ONE OF THE RECOMMENDATIONS IN THE PLAN IS TO REZONE -- RESTRIPE THAT STREET FOR ONE LANE EACH DIRECTION WITH A CENTER TURN LANE, PERHAPS. THEY WOULD ACCOMPLISH A COUPLE OF THINGS. IT WOULD GET -- CARS WOULD HAVE THE ABILITY TO GET A LITTLE BIT OUT OF THE GUTTER. RIGHT NOW THEY'RE RIDING RIGHT ON THE CURB AND THEY COULD GET OUT OF THAT A LITTLE BIT AND HAVE A A LITTLE BIT OF BREATHING LANE THERE. WE WOULD LOVE TO HAVE BIKE LANES, BUT I UNDERSTAND IT'S NOT WIDE ENOUGH. THE OTHER THING IS ONE LANE EACH DIRECTION WILL SLOW CARS DOWN A LITTLE BIT. A PRELIMINARY STUDY WAS DONE ON IT SEVERAL YEARS AGO WHEN WE WERE LOOKING AT TRAFFIC CALMING IN THE NEIGHBORHOOD. IT WAS DEEMED VIABLE THEN. I DON'T THINK THAT THIS STREET REALLY NEEDS TO BE A STREET WHOSE ONLY GOAL IS TO MOVE PEOPLE AS FAST AS POSSIBLE, AS MANY AS POSSIBLE, AS FAST AS POSSIBLE. WE WANT THIS STREET TO BE MORE OF A DESTINATION STREET, AND RIGHT NOW IT'S NOT. WE VERY MUCH NEED HELP WITH THAT. IT'S IN THE 2025 PLAN TO REMAIN EXACTLY AS IT IS. WHICH I THINK IS A LITTLE BIT OF AN OVERSIGHT. I THINK PEOPLE PROBABLY HAVEN'T THOUGHT A LOT ABOUT ST. JOHN'S, WE WOULD LIKE YOUR HELP ABOUT THINKING ABOUT ST. JOHN'S BEFORE IT BECOMES ONE OF THOSE PRIORITY PROBLEMS LIKE BARTON SPRINGS OR KOENIG, THOSE SORTS OF THINGS. I'VE GOT A COUPLE OF MINUTES LEFT.

Mayor Wynn: DON'T FEEL OBLIGATED. [LAUGHTER]

ONCE YOU GET GOING, THAT'S PRETTY MUCH IT. I DO WANT

TO GIVE YOU A FEW NOTES ON THE PROCESS. I REALLY REMAINED HOPEFUL. I FEEL LIKE IT WAS A GOOD PROCESS, BUT I'M NOT SATISFIED YET. I REALLY THINK STAFF WORKED REALLY HARD AND TRIED VERY HARD, AND I THINK THERE ARE VERY GOOD PEOPLE, BUT WE DIDN'T ALWAYS GET WHAT WE NEEDED IN TERMS OF SUPPORT OR QUICK ANSWERS OR RESPONSES. SO I REALLY DON'T FEEL QUITE FINISHED WITH THIS PLAN. AND ONE OF THOSE THINGS IS SOMETHING THAT I NEED TO BRING UP TO YOU, AND THAT IS YOU WILL SEE IT ON YOUR SHEET AS TRACT NUMBER 221. IT'S ITEM 21. AND IT'S NOT -- IT'S NOT A PETITION, BUT IT'S A SLIGHT CHANGE IN TERMS OF THE DENSITY ALLOWED ON TRACT 221 IN TERMS OF RESIDENTIAL DENSITY. THAT WAS SOMETHING THAT FELL THROUGH THE CRACKS AS WE'RE TRYING TO PREPARE A PLAN, SO WE WOULD LIKE YOU TO APPROVE THE PLANNING STAFF RECOMMENDATION RATHER THAN THE PLANNING COMMISSION RECOMMENDATION ON THAT. I'M AVAILABLE FOR QUESTIONS OBVIOUSLY.

Mayor Wynn: THANK YOU. QUESTIONS FOR MR. HIT? THANK YOU, SIR. COUNCILMEMBER ALVAREZ.

Alvarez: WHAT'S THE SOUTHERN BOUNDARY OF YOUR NEIGHBORHOOD, THE HIGHLAND?

WELL, THIS PLAN AREA, THE SOUTHERN BOUNDARY IS 2222. OUR NEIGHBORHOOD ASSOCIATION ACTUALLY GOES TO DENSON, AND THEN THAT SKYVIEW NEIGHBORHOOD IS THAT SMALL POCKET NEIGHBORHOOD.

Alvarez: IF YOU GO DOWN GUADALUPE TO KOENIG...

OUR NEIGHBORHOOD ASSOCIATION COMES FROM HERE ALL THE WAY TO DENSON HERE. AND THEN THIS IS SKYVIEW NEIGHBORHOOD ASSOCIATION.

Mayor Wynn: THANK YOU, MR. HIT. NEXT SPEAKER IS DON LAY TON FURWELL, WELCOME, SIR. YOU WILL BE FOLLOWED BY JIM WHIT LIVE.

MAYOR, CITY COUNCIL, MY NAME IS DON LAITON BURRWELL. ONE OF THE THINGS THAT THE FOLKS ON CLAY ASKED ME TO MENTION IS THAT THERE IS A PETITION FROM THE

RESIDENTS ON CLAY ASKING YOU TO CONSIDER THEIR POSITION HERE. I MOVED -- BOUGHT A HOUSE IN BRENTWOOD ABOUT 20 YEARS AGO, AND I AM A BUSINESS OWNER ALSO IN THE AREA. I'M CURRENTLY THE ZONING COMMITTEE CHAIR FOR THE BRENTWOOD NEIGHBORHOOD ASSOCIATION. I'M ALSO AN ARCHITECT BY PROFESSION. I ALSO WANTED TO THANK CITY STAFF FOR EVERYTHING THAT BRYAN AND LISA DID TO SEE US THROUGH THIS PROCESS. YOU KNOW, WE FINALLY HAVE A COMPREHENSIVE PLAN FOR OUR AREA. AND I WOULD SAY THAT I GENERALLY SUPPORT THE PLAN WITH THE EXCEPTION THAT WERE OUTLINED IN THE HANDOUT THAT MR. BROCK GAVE YOU WITH THE BRENTWOOD ASSOCIATION'S RECOMMENDATIONS AND ALSO THOSE PRESENTED BY THE RESIDENTS ON CLAY AND ADAMS. THE LAND USE GOALS AS WE ESTABLISHED THEM AS PART OF THE NEIGHBORHOOD PLANNING PROCESS WAS TO CREATE ZONING CHOICES AND A MIX, A COMPATIBLE MIX AND SCALAR MIX OF USES. AND KEEP IN MIND THAT WHEN YOU'RE SEEING AS PRESENTED BY STAFF AND NOT EACH WHAT WAS AMENDED BY PLANNING COMMISSION WERE THE COMPROMISE POSITIONS. IT IS NOT WHAT US AS RESIDENTS WANTED IN THE -- AS OUR IDEAL NEIGHBORHOOD PLANS, BUT SINCE IT IS A COMPREHENSIVE PLAN, WE CAPITULATED ON SEVERAL THINGS AND WERE WILLING TO COMPROMISE. THE POINT THAT I WOULD LIKE TO MAKE TONIGHT, AND AGAIN, HAVING DONE ZONING FOR BRENTWOOD FOR THE BETTER PART OF 20 YEARS NOW, IS THAT REGARDLESS OF THE ZONINGS PROPOSED AND ADOPTED TONIGHT, WE HAVE NO EFFECTIVE CODE ENFORCEMENT. MOST OF THE REZONINGS THAT YOU HAVE HEARD FROM OUR NEIGHBORHOOD IN RECENT YEARS INCLUDING FOUR CASES HERE TONIGHT THAT WE HAVE AGENTS IN THE AUDIENCE FOR, WERE -- CAME TO YOU BECAUSE OF ILLEGAL USES. THIS CITY IN MY HUMBLE OPINION HAS HAD AN OVERLY LENIENT ATTITUDE TOWARDS ENFORCEMENT. I DO DEVELOPMENT IN ROUND ROCK, BUDA, CEDAR PARK, LAKEWAY, AND THEY WOULD NOT ALLOW THE SORTS OF THINGS THAT WE ALLOW TO HAPPEN. AND IT'S BEEN SUPPORTED OR IT'S BEEN UNDERMINED BY THE FACT THAT WE UNDERFUND AND UNDERSTAFF CODE ENFORCEMENT. UNTIL THIS ISSUE IS TRACYED, NO PLAN, THE BRENTWOOD PLAN, THE HIGHLAND PLAN, ANY PLAN IN

THIS TOWN, DAWSON, WHATEVER, WILL HAVE ANY VALIDITY IF THE ZONING AND LAND USES ARE NOT ENFORCED? IN OTHER WORDS, IT'S A PIPE DREAM. IT MAKES A MOCKERY OF THE HUNDREDS OF HOURS THAT THE STAKEHOLDERS AND STAFF PUT INTO THIS. I ASK YOU TONIGHT TO ADOPT THE PLAN PER STAFF RECOMMENDATIONS AND THE AMENDMENTS TO THE BRENTWOOD PROPOSED AND COMMIT TONIGHT TO ENFORCING THE CODE. AND MS. FUTRELL, IF YOU WOULD LIKE TO TALK MORE ABOUT THAT PARTICULAR ISSUE, I HAVE SOME FEEDBACK AND ABOUT 100 PICTURES THAT I WOULD LIKE TO SHARE WITH YOU AT ANY TIME. SO THANK YOU.

ACTUALLY, YOU WOULD BE TALKING TO YOUR SUPPORTER, THE FACT THAT IT UNDERFUNDED AND UNDERDONE. AND IT'S ON A LIST OF PRIORITIES FOR US AS WE MOVE OUT OF THIS RECESSION AND INTO REBUILDING. SO YOU HAVE A SMOARTER IN THE CONCEPT THAT CODE ENFORCEMENT IS A STRONG PRIORITY AND IT'S NOT FUNDED PRIORITY.

Mayor Wynn: THANK YOU, JIM WHIT LIF.

GOOD EVENING, MAYOR AND COUNCIL. I'M REPRESENTING THE PROPERTY OWNER FOR PARCELS 266 AND 267. THEY'RE ON DILLARD'S CIRCLE RIGHT ACROSS FROM HIGHLAND MALL.

ON THE YELLOW PACKET THE STAFF PUT TOGETHER, THESE ARE TRACTS NINE, 10 AND 11, AND I CAN SUMMARIZE THEM ALL TOGETHER. BEFORE WE TALK ABOUT THESE PROPERTIES, I'D LIKE TO JUST COMMEND CITY STAFF. LISA AND BRYAN, I JUST WANT TO SAY -- AND I DON'T OFTEN GO OUT OF MY WAY TO COMMEND CITY STAFF, BUT THEY'VE BEEN EXTRAORDINARILY COURTEOUS THROUGHOUT THIS PROCESS. THEY'VE BEEN RESPONSIVE. WE DON'T AGREE ON EVERYTHING, SO THIS ISN'T BECAUSE THEY SEE IT MY WAY. BUT THEY'VE BEEN VERY PROFESSIONAL TO WORK WITH. I'VE ACTUALLY WITNESSED BRYAN BEING BEATEN UP AND CHEWED ALIVE BY ANGRY PROPERTY OWNERS. AND THE NEXT PERSON THAT CAME UP TO TALK TO HIM, HE WAS CALM AND COURTEOUS AND THEY'RE JUST -- THEY'RE FINE PEOPLE THAT ARE WORKING ON THIS PROCESS. THE WEBSITE THAT THEY HAVE MAINTAINED IS EXCELLENT. AND I

WANT TO THANK YOU ALL FOR THAT.

THANK YOU FOR SAYING THAT. JIM, I DO WANT TO REMIND YOU THAT YOU ARE BEING TAPED HOWEVER. THIS WILL COME BACK TO HAUNT YOU. [LAUGHTER]

I WON'T RETRACT ANY OF THAT. NOW ON TO THESE THREE PROPERTIES. THEY'RE WAREHOUSES. IN GENERAL, I'VE MET WITH EACH ONE OF YOU OR WITH YOUR AIDS THIS PAST WEEK, AND I'LL JUST SUMMARIZE BY SAYING THIS. YOU'VE GOT A CONDITIONAL OVERLAY LABELED G. IT'S GOT 24 LAND USE PROHIBITIONS. WE AGREE WITH 20 OF THOSE. AND THERE'S FOUR OF THEM THAT WE WOULD ASK THAT THEY NOT BE PROHIBITED USES FOR THE -- THE PROPERTY IS CURRENTLY ZONED CS. PROPOSED CS-MU-CO-NP. AND THE ONLY MODIFICATION TO THE CONDITIONAL OVERLAY G IS THE POOR USES THAT WE HAVE TO RETAIN, OUR CONVENIENT STORAGE, GENERAL RETAIL OF ANY TYPE GREATER THAN 20,000 SQUARE FEET, MAINTENANCE AND SERVICE FACILITIES AND MONUMENT RETAIL SALES. AND THAT'S THE SAMETORY ON ALL THREE OF THOSE STORIES. WE FEEL THESE ARE LEGITIMATE USES FOR THESE PROPERTIES. THEY ARE WAREHOUSES. THEY ARE SOMEWHAT ISOLATED FROM THE NEIGHBORHOODS, ALTHOUGH THERE IS A RESIDENTIAL NEIGHBORHOOD TO THE NORTH AND ANOTHER ONE TO THE SOUTH. BUT THESE ARE WELL MAINTAINED PROPERTIES, AND THE BUILDINGS WERE BUILT FOR THESE TYPES OF USES, PARTICULARLY THE RETAIL. TWO OF THE BUILDINGS RIGHT NOW ARE BEING USED FOR RETAIL PURPOSES. ALL OF THESE BUILDINGS EXCEED THE 20,000 SQUARE FEET. THANK YOU FOR YOUR TIME.

Mayor Wynn: THANK YOU. DAVID WHITWORTH. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

GOOD EVENING, COUNCILMEMBERS. MY NAME IS DAVID WHITWORTH AND I LIVE AT 5603 CLAY AVENUE. CLAY AVENUE IS THE SHORT RESIDENTIAL STREET THAT A LOT OF THE NEIGHBORHOOD PEOPLE HAVE BEEN TALKING ABOUT AS WELL AS SOME BUSINESS OWNERS TONIGHT. I JUST -- I SIGNED UP AS NEUTRAL BECAUSE THOUGH I WAS VERY ENTHUSIASTIC ABOUT THIS PROCESS, AND I THINK OVERALL

I'M FOR IT, THERE WERE SOME AREAS WHERE IT WAS JUST TOO HARD TO GET WHAT -- TO USE THIS PROCESS AS A TOOL TO GET WHERE I THINK WE NEED TO GO. IT'S KIND OF INAPPROPRIATE ON A STREET LIKE CLAY AVENUE. AND WHAT I SUGGEST IS YOU HAVE -- ON CLAY YOU HAVE TWO INTERESTS. YOU HAVE THE RESIDENTIAL HOMEOWNERS AND YOU HAVE THE BUSINESS OWNERS. THE BUSINESS OWNERS DON'T AGREE WITH THE STAFF RECOMMENDATION, AND IT SEEMS LIKE NEITHER DO THE RESIDENTIAL OWNERS. THEY WANT LR AS OPPOSED TO THE GR-MU, WHICH WAS RECOMMENDED. AND THE COMMERCIAL OWNERS WANT TO STAY CS, IT SEEMS LIKE. I PERSONALLY, I THINK I'M WILLING TO GAMBLE THAT THE CITY OF AUSTIN DEVELOPMENT REQUIREMENTS AS WELL AS THE SELF-LIMITING ASPECTS OF CLAY AVENUE IN ADDITION TO COMPATIBILITY REQUIREMENTS, WILL KEEP CLAY FROM GOING DOWNHILL. WHAT YOU HAVEN'T HEARD YET TONIGHT IS THAT EVERYBODY ON CLAY AVENUE IS FAIRLY CONTENT WITH WHAT IS THERE TODAY. WE DISCUSSED THIS IN A MEETING LAST WEEK. AND IF YOU DO DECIDE TO GO TO LR, WHICH I'M NOT OPPOSED TO, I JUST -- I CAN'T WHOLLY SUPPORT IT BECAUSE I DO AGREE WITH SOME OF THESE COMMERCIAL PROPERTY OWNERS. IF YOU DO GO TO LR, REMEMBER THAT WHAT IS IN USE TODAY CAN CONTINUE INDEFINITELY, EVEN UP TO A HIGH PERCENTAGE OF RECONSTRUCTION, AS A MATTER OF FACT. BUT I DON'T THINK THAT'S WHAT THE BUSINESS OWNERS ARE INTERESTED IN. THEY'RE THINKING ABOUT WHAT THEY WANT THEIR NEXT USE TO BE. THE STAFF RECOMMENDATION, THE GR-MU, I DON'T REALLY AGREE WITH. FOR ONE THING, THERE'S STILL A LOT OF USES IN THERE LIKE HOTEL-MOTEL THAT WOULD BE ALLOWED. I DON'T THINK IT WOULD EVER WORK. I DON'T THINK ANYBODY WOULD TRY IT, BUT IT JUST -- THE RECOMMENDATION JUST KIND OF FELL A LITTLE BIT SHORT. WE WORKED HARD AND BRYAN BLOCK AND THE CITY STAFF I WAS REALLY IMPRESSED, BUT THIS STREET I THINK YOU EITHER NEED TO LEAVE IT HOW IT IS AND WE'LL JUST HAVE TO COME BACK AND DEAL WITH IT WHEN SOMEBODY TRIES TO REDEVELOP. OR GO AHEAD AND GO TO LR. ONE THING THAT THE BUSINESS OWNERS HAVE BEEN SAYING IS THAT I BOUGHT A HOUSE TO A COMMERCIAL LOT AND I AGREE WHOLEHEARTEDLY -- [BUZZER SOUNDS]. I'LL WRAP

UP QUICKLY. I HOPE THEY'RE AS FINANCIALLY SUCCESSFUL WITH THE PROPERTY THEY OWN IN THE FUTURE, BUT THE DOOR SWINGS BOTH WAYS. THESE ARE COMMERCIAL LOTS. MY HOUSE HAS BEEN THERE SINCE 1953. THESE ARE COMMERCIAL LOTS THAT WERE PURCHASED IN A RESIDENTIAL NEIGHBORHOOD. AND NOT IN THE CENTER OF A BUSINESS PARK. SO TO -- SO I BELIEVE THAT THERE ARE CERTAIN COMPROMISES THAT THEY'RE GOING TO HAVE TO BE WILLING TO AGREE TO AS WELL. PERSONALLY, I'M INTERESTED IN LOW TRAFFIC, QUIET USE AND TASTEFUL SCREENING. AND I THINK IF EVERYBODY AGREED TO THAT, THEY CAN GET AS RICH AS THEY POSSIBLY CAN. AND I SUPPORT THEM. ONE LAST THING, THE NEW COVERT PROPERTY IS CURRENTLY -- I THINK IT'S FIVE LOTS, AN ANTIQUE WAREHOUSE USED RIGHT NOW. THEY HAVE ACCESS TO BURNET. AND ONE OF THE THINGS WE TRY TO DO WAS HAVE A CONDITIONAL OVERLAY LIMITING -- SINCE CHRIS TONIGHT SAID THAT THEY WANT TO KEEP ALL OF THOSE LOTS TOGETHER, THEY HAVE ACCESS TO BURNET. I WOULD LIKE A CONDITIONAL OVERLAY THAT LIMITS THEIR ACCESS TO FIRE LANE USES ON CLAY AVENUE. BUT THIS WAS ARGUED AGAINST -- [BUZZER SOUNDS] -- PREVIOUSLY BECAUSE SINCE THEY ARE SEPARATE LOTS, THE LOTS CAN'T BE SOLD SEPARATELY WITHOUT ACCESS TO CLAY. BUT NOW TONIGHT HE'S SAYING THAT HE WANTS THEM TO BE -- ALL STAY TOGETHER, WHICH I THINK MAKES SENSE. SO IN THE END MY RECOMMENDATION IS THAT YOU DON'T GO WITH THE CITY STAFF RECOMMENDATION. YOU HAVE TO CHOOSE ONE OR THE OTHER BETWEEN THE TWO PARTIES HERE TONIGHT, I BELIEVE. THANK YOU VERY MUCH FOR YOUR TIME.

Mayor Wynn: THANK YOU. COUNCIL, THAT'S ALL THE CITIZENS WHO HAVE SIGNED UP ON ITEM Z-2 AND Z-8. I'LL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY COUNCILMEMBER SLUSHER. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. HEARING NONE, ALL THOSE IN FAVOR OF CLOSING THE PUBLIC HEARING ON Z-2 AND Z-8, SAY AYE. MOTION PASS OZ A VOTE OF SEVEN TO ZERO. NOW, THE FUN BEGINS. QUESTIONS OF STAFF, COUNCIL? [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

... WE DON'T HAVE ANY PETITION SUBMITTED. THE MOTION SHEET IS THE YELLOW COLOR. A LOT OF PEOPLE HAVE TALKED ABOUT IT ALREADY. MOST EVERYTHING ELSE IS ON THERE. THE BLUE SHED IS A SUMMARY OF ISSUES, THAT USES THE EXACT SAME NUMBERING SYSTEM AS THE MOTION SHEET. AND IT JUST IN SOME CASES HAS A LITTLE BIT MORE DETAIL OR BACKGROUND FOR YOU IF YOU CARE TO -- TO LOOK AT IT. AND THEN WE ALSO HAVE THE PINK SHEET WHICH IS THE CONDITIONAL OVERLAY LIST SO YOU HAVE THAT RIGHT AT HAND THERE. AND -- AND THE GREEN SHEETS ARE THE SPECIFIC REZONINGS THAT ARE BEING PROPOSED AND THEM YOU HAVE COLORED MAPS OF THE REZONING MAP AS WELL AS THE FUTURE LAND USE AND CONDITIONAL OVERLAY MAP. SO I JUST WANTED TO LET YOU KNOW WHAT YOU HAVE THERE.

THANK YOU. SO, COUNCIL, QUESTIONS? ON THE PLAN, INDIVIDUAL PROPERTIES? COMMENTS? COMMISSIONER MCKEE?

McCracken: MAYOR -- COUNCILMEMBER MCCRACKEN,.

McCracken: I AT LEAST WILL HAVE QUESTIONS AS WE GO THROUGH EACH ONE, BUT I DON'T HAVE A GENERAL QUESTION.

Mayor Wynn: OKAY, THANK YOU.

Mayor Wynn: SO WITH THAT, COUNCIL, IF YOU ARE ALL READY WE WILL START WALKING THROUGH THE MOTION SHEET, I GUESS. MOTION NUMBER 1 IS -- IS TO APPROVE THE NEIGHBORHOOD PLAN AS RECOMMENDED BY PLANNING COMMISSION WITH THE EXCEPTION OF THOSE PROPERTIES LISTED BELOW. THAT WOULD BE THE FEW TO ADD TO THAT. THE TRACKS I MENTIONED, 99, 238, 239, 240 AND 248. IF YOU WANT TO DO THAT, AND THEN IT WOULD BE -- TO APPROVE THE ASSOCIATED, THE N.P. CD REZONINGS AS RECOMMENDED BY PLANNING COMMISSION WITH THE EXCEPTION OF ALL OF THOSE TRACTS THAT ARE LISTED IN THIS MOTION SHEET. AND IF YOU ADD TO THAT THE OTHER TRACTS I MENTIONED. YOU CAN DISCUSS THOSE INDEPENDENTLY IF YOU WANT TO.

Goodman: MAYOR?

MAYOR PRO TEM?

COULD YOU LIST ME AMELIA'S AGAIN?

LET ME DOUBLE CHECK. I JUST GOT HER BLUE FOLDER FOR THE FIRST TIME NOW AS WELL. THERE ARE -- OKAY. AS PER HER LIST. TRACT 94, TRACT 99, TRACT 238, 239, 272, 240 AND 271. AND FOR CLARIFICATION, AS -- AS RECOMMENDED BY THE PLANNING COMMISSION, DOES THAT MEAN UNCHANGED FROM THE NEIGHBORHOOD PLAN SUBMITTED OR WERE THERE CHANGES IN BETWEEN?

THERE WERE A FEW CHANGES. MOST OF THOSE WERE BASED ON AGREEMENTS THAT WERE MADE EITHER JUST BEFORE PLANNING COMMISSION OR DURING PLANNING COMMISSION. AGREED TO BY STAKEHOLDER, ALL STAKEHOLDERS, STAFF AND PLANNING COMMISSION. THERE'S ONE ITEM WHERE THE STAFF RECOMMENDATION AND THE NEIGHBORHOOD STAKEHOLDER RECOMMENDATION IS DIFFERENT FROM PLANNING COMMISSION AND THAT IS LISTED IN THE MOTION SHEET. WE -- WE PULLED THAT ONE OUT FOR YOU TO CONSIDER SEPARATELY. AND THAT WOULD BE DOWN AT THE VERY END. NUMBER -- ON PAGE 5, NUMBER 20.

Mayor Wynn: SO, COUNCIL, I WILL ENTERTAIN A MOTION NUMBER 1, REGARDING BOTH THE NEIGHBORHOOD PLAN PLAN --

Goodman: WELL, JUST ONE MORE CLARIFICATION, IF I COULD, MAYOR.

Mayor Wynn: YES.

Goodman: ON 20 THEN, WHICH ONE IS THE ONE THAT WAS THE NEIGHBORHOOD PLAN ONE?

ON NUMBER 20, THE NEIGHBORHOOD PLAN RECOMMENDATION, THIS IS TRACT 16, IT'S 5611 CLAY AVENUE, THERE'S BEEN A LOT OF DISCUSSION ON IT. IT'S THE MID BLOCK PROPERTY ON THE RESIDENTIAL STREET

THAT WAS REZONED TO L.O. IN 1970. THE NEIGHBORHOOD PLAN RECOMMENDATION IS TO REZONE TO S.F. 3. THE -- THE PLANNING COMMISSION RECOMMENDATION IS TO REZONE TO NO-M.U. SO 20 A, YOU WILL ALWAYS -- ON THIS MOTION SHEET, YOU ARE ALWAYS GETTING THE PLANNING COMMISSION RECOMMENDATION FIRST AT THE 20 A. 20 B IS THE STAFF AND NEIGHBORHOOD PLAN, ORIGINAL NEIGHBORHOOD PLAN RECOMMENDATION.

Mayor Wynn: BUT AGAIN AS YOU HAVE OUTLINED MOTION NUMBER 1, IT DOES NOT INCLUDE ANY OF THE POTENTIAL, ESSENTIALLY, CONFLICTS, INCLUDING THIS MOTION NUMBER 20 ON TRACT 16.

THAT'S CORRECT.

Mayor Wynn: SO ESSENTIALLY POSITION NUMBER 1 IS ALL OF THE -- IS THE PLAN AND THE REZONINGS THAT ESSENTIALLY HAVE APPARENTLY NO -- NO CONTENTION WHATSOEVER. IF IN FACT WE WERE TO ADD, SAY, MR. BENNETT'S TRACT AND MS. LOPEZ PFELPS 4 TRACTS.

THAT IS CORRECT.

Mayor Wynn: COUNCIL, WE CAN CERTAINLY START WITH THE LEAST AMOUNT OF CONTENTION AND TRY TO BUILD UP TO A CRESENDO HERE IN A FEW MINUTES. THE QUESTION I GUESS ON MOTION NUMBER ONE THEN COUNCIL WILL BE ON THE HE -- AS PART OF THE ZONING, DO WE ALSO INCLUDE TRACTS [INDISCERNIBLE] 240, 271, 272? DOES THAT SOUND RIGHT?

248 WOULD BE THE MR. BENEFIT NET'S PROPERTY. -- MR. BENNETT'S PROPERTY.

Mayor Wynn: 248.

OKAY.

Mayor Wynn: STAFF IS READY FOR FIRST READING ONLY REGARDLESS.

Mayor Wynn: IT WOULD REQUIRE FOUR VOTES.

Goodman: IN ESSENCE, MAYOR, WE ARE START ON THE Z-2?

Mayor Wynn: WELL, YES, ESSENTIALLY ITEM NO. -- THE FIRST MOTION WOULD BE JUST ADOPTING THE NEIGHBORHOOD PLAN EXCLUDING ALL OF THE POTENTIAL CONFLICTING TRACTS AND THAT WOULD -- THAT WOULD ESSENTIALLY BE ITEM Z-2.

OKAY. THEN LET ME OFFER A MOTION AS WRITTEN BY STAFF WHICH IS TO APPROVE THE NEIGHBORHOOD PLAN AS RECOMMENDED BY THE PLANNING COMMISSION, WITH THE EXCEPTION OF THE PROPERTIES LISTED AND I'LL INCLUDE THE NEW ONES. FOR THE MOMENT.

Mayor Wynn: YOU WANT TO LIST THOSE NOW OR --

OKAY.

Goodman: THE EXCEPTIONS AT THIS MOMENT INCLUDE NOT ONLY THOSE LISTED ON OUR YELLOW SHEET, BUT ALSO 248, 94, 99, 238, 239, 272, 240 AND 27 -- NO, WAIT, AND 271.

Mayor Wynn: CORRECT.

Mayor Wynn: MOTION ON THE TABLE BY MAYOR PRO TEM FOR FIRST READING APPROVAL OF THE NEIGHBORHOOD PLAN EXCLUDING THOSE LISTED PROPERTIES. SECONDED BY COUNCILMEMBER MCCRACKEN. FURTHER COMMENTS? COUNCILMEMBER ALVAREZ?

Alvarez: ON MR. BENNETT'S PROPERTY WAS IT 247 AND 248 OR JUST 248.

247 IS THE FRONT PART OF THE PROPERTY ON LAMAR IT'S ALREADY ZONED THE WAY THEY WANT IT. SO THEY ARE OKAY WITH THAT. IT'S 248 THAT -- I DON'T KNOW IF MR. BENNETT MENTIONED IS CURRENTLY ZONED S.F. 3. IT HAS FRONTAGE ON TO THE STREET IN THE BACK. ALTHOUGH IT'S ONE PROPERTY ALL THE WAY THROUGH AND THAT'S THE ONE HE'S WANTING G.R. THE STAFF RECOMMENDATION IS

TO GO UP TO MF 4.

Alvarez: PULLING 248 OUT.

RIGHT.

OKAY.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIRST READING ON A VOTE OF 7-0. SO DO WE NOW ACTUALLY JUMP OVER NOW TO ESSENTIALLY THE Z-8 PART OF THAT SAME VOTE WHICH IS ACTUALLY REZONINGS.

THAT'S RIGHT.

Mayor Wynn: OKAY. SO COUNCIL I'LL ENTERTAIN A MOTION NUMBER 1 ON ITEM Z-8, THE ACTUAL REZONINGINGS.

Goodman: MAYOR? REFLECTING WHAT WE JUST DID, IT WOULD BE TO APPROVE THE NPCD REZONINGS AS RECOMMENDED BY THE PLANNING COMMISSION WITH THE EXCEPTION OF TRACTS 101, 3, 222 B, 10 B, 77 B, 210 B, DID I SAY THAT? 266, 267, 244, 268, 15 B, 51, 93, 107, 16, 221, 248, 94, 99, 238, 239, 272, 240 AND 271.

Mayor Wynn: THANK YOU, MAYOR PRO TEM. MOTION ON THE TABLE. I'LL SECOND THAT. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

Slusher: WELL, MAYBE SOMEBODY CAN EXPLAIN WHAT THAT MEANT TO ME.

Mayor Wynn: WELL, IT'S BEEN A WHILE SINCE WE HAVE DONE ONE OF THESE MORE COMPLICATED PLANS. BUT WE ARE JUST NOW DOING THE ZONING, THE NON-CONTENTIOUS ZONINGS THAT CORRESPOND TO THE NON-CONTENTIOUS NEIGHBORHOOD PLAN THAT WAS JUST APPROVED. FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL

THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF FIRST READING ON A VOTE OF 7-0. MOTION NUMBER 2. OKAY, NUMBER 2 IS ALSO GOING TO BE FOR CASE ITEM NO. Z-7. WHICH IS ALSO POSTED ON THE AGENDA TODAY. THIS IS TRACT 101. WHICH IS 1401 KOENIG LANE. YOU -- YOU HAVE TWO OPTIONS LISTED ON THE MOTION SHEET. 2 A, WHICH WOULD BE TO APPROVE THE PLANNING COMMISSION RECOMMENDATION FOR LAND USE, WHICH IS COMMERCIAL MIXED USE. AND APPROVE THE PLANNING COMMISSION RECOMMENDATION FOR THE REZONING WHICH IS L.R.-MU-C.O.-N.P. WITH CONDITIONAL OVERLAY OVERLAY C FOR THE NEIGHBORHOOD PLAN REZONINGS, AND YOU WOULD ALSO BE -- BE GOING WITH STAFF RECOMMENDATION TO DENY FOR ITEM Z-7, ALL ON FIRST READING. IF YOU WENT WITH 2 B, THIS IS THE OTHER CHOICE, WOULD BE STILL APPROVE PLANNING COMMISSION RECOMMENDATION FOR THE NEIGHBORHOOD PLAN, WHICH IS COMMERCIAL MIXED USE, BUT YOU WOULD BE GOING WITH THE PROPERTY OWNER REQUEST FOR BOTH THE NEIGHBORHOOD PLAN AND CASE, ITEM Z-7 WHICH WAS -- WHICH WAS CS-MU-CO-NM AND THE CONDITIONAL OVERLAY WOULD LIMIT TRIPS TO 2,000 PER DAY. THAT'S WHAT THE CASE ASKED FOR, THE PROPERTY, THE APPLICANT ASKED FOR AS PART OF THAT CASE.

COUNCIL, I NEED TO POINT OUT THAT WE HAVE NOT HAD OUR PUBLIC HEARING ON Z-7. WE DID THE PUBLIC HEARING ON THE NEIGHBORHOOD PLAN AND THE MORE -- MUCH MORE LARGER ZONING CASES Z-8. Z-7 HAS A -- HAS, YOU KNOW, A SEPARATE PUBLIC HEARING AND A FEW CARDS. I SUSPECT THESE ARE MOSTLY THE SAME SPEAKERS WE'VE HAD ON Z-2 AND Z-8.

MAYOR?

Mayor Wynn: YES.

THE APPLICANT'S AGENT JUST LET ME KNOW THAT -- THAT THEY INTENDED TO REVISE THEIR REQUEST TO G.R.-M.U.-C.O. WITH THE C.O. LIMITING TRIPS TO 2,000 PER DAY. G.R.-

M.U.-C.O. IS WHAT THEY WOULD LIKE TO REVISE THEIR REQUEST TO.

Mayor Wynn: IN LIEU OF C.S., RIGHT.

IT'S SORT OF CONFUSING. WE HEARD THE DISCUSSION EARLIER, IT'S HARD WITH SO MANY CHANGES TO REMEMBER WHICH COMMENTS WENT WITH WHICH NUMBER. SO IT MIGHT BE HELPFUL TO -- FOR YOU TO KIND OF -- TO KIND OF GIVE US SOME HINTS WHEN IT COMES ALONG. BUT I DO HAVE A QUESTION HERE ON THIS ONE. I NOTICED THAT MANY OF THE OBJECTIONS, THIS ONE HAPPENS TO BE FOR ZONING, BUT MANY OF THE OTHER OBJECTIONS DEALT WITH THE CONDITIONAL OVERLAYS. ONLY. NOT WITH THE UNDERLYING ZONING. I'M WONDERING HERE ON THIS ONE -- THE -- THE PLANNING COMMISSION RECOMMENDATION INCLUDED THE CONDITIONAL OVERLAY C IS THE -- IS THE APPLICANT OKAY WITH C? I SEE CONDITIONAL OVERLAY LIMITS TO 2,000 PER DAY, BUT --

RIGHT. CONDITIONAL OVERLAY C JUST REFINES THE L.R. ZONING SLIGHTLY. IT ONLY HAS THREE -- SINCE L.R. IS BASICALLY APPROPRIATE AS IS, THE -- THE C.O. C. IT SHOULD SAY COD ON THERE, I APOLOGIZE FOR THAT. IT'S ONLY INTENDED TO PROHIBIT SERVICE STATION DRIVE THROUGH SERVICES AND OFFSITE ACCESSORY PARKING.

Dunkerley: DOESN'T RELATE TO THIS THE PINK SHEET.

IT WOULD BE D ON THE PINK SHEET. I APOLOGIZE FOR THAT. I COULD WALK UP TO THE MAP AND GIVE YOU A QUICK SYNOPSIS OF HOW THIS RECOMMENDATION CAME ABOUT IF YOU WOULD LIKE THAT.

Dunkerley: I JUST WANTED TO KNOW THE C SHOULD HAVE BEEN A D AND APPLICANT IS OKAY WITH D.

AND THE D -- AGAIN IT WAS APPLIED TO THE L.R. ZONING. IT WOULD -- IF IT WERE TO BE G.R. ZONING IT WOULD BE MORE LIKE WHAT YOU SEE IN C. C WAS INTENDED TO BE THE MORE PEDESTRIAN ORIENTED TYPE OF CONDITIONAL OVERLAY THAT WOULD GO WITH THE G.R. BASED ZONING AND D WAS INTENDED TO BE -- TO MAKE L.R. A BIT MORE PEDESTRIAN

ORIENTED.

SO UNDER -- UNDER THE CHANGE FROM C.S. TO G.R., THERE ARE NOT ANY OTHER RESTRICTIONS AS FAR AS USES.

NOT THAT I UNDERSTAND FROM THE AGENT OR THE APPLICANT.

Mayor Wynn: COUNCIL, WITHOUT OBJECTION, LET'S CONSIDER THIS THE OPENING OF THE PUBLIC HEARING ON ITEM Z-7 FOR -- FOR I'M SURE A NUMBER OF GOOD REASONS Z-7 WAS POSTED SEPARATELY FROM ALL OF THE OTHER ZONING CASES SHOWN AS Z-8. OF THE SEVEN CARDS SIGNED UP, I RECOGNIZE THE NAMES OF FIVE FOLKS. I DON'T REMEMBER ROBERT BAKER AND/OR ANGELA BAKER SPEAKING. THEY BOTH SIGNED UP NOT WISHING TO SPEAK IN FAVOR OF Z-7. PERHAPS IF RICHARD BROCK, AMELIA LOPEZ PHELPS OR DON LATE TON BURRWELL FEEL LIKE THEY NEED TO ADDRESS THE COUNCIL AGAIN ON THIS ITEM WE SHOULD ALLOW THEM TO DO SO. GOING TO TAKE THEM UP QUICKLY IN ORDER. BOTH -- BOTH ANGELA AND ROBERT BAKER SIGNED UP NOT WISHING TO SPEAK IN FAVOR. RICHARD BROCK. WELCOME BACK RICHARD. AGAIN I'M RICHARD BROCK WITH THE BREN WOOD NEIGHBORHOOD ASSOCIATION. WHAT I WANT TO SAY ABOUT 14011401 KOENIG IF YOU WILL CONTINUE, THIS CASE HAS BEEN CONTINUED FROM THE PAST, THE GENESIS IS THAT THEY HAD AN ILLEGAL USE AT THAT SITE. I WORKED WITH CODE ENFORCEMENT. THE RESULT WAS THAT THEY WERE ADVISED TO SEEK A ZONING CHANGE. ALTHOUGH THEY ONLY REQUIRED G.R. TO CONTINUE THE AUTO SALES THAT THEY WERE DOING ILLEGALLY, THEY REQUESTED C.S. ZONING. AND THEN IF YOU RECALL, THEY POSTPONED. THAT'S HOW WE GET HERE WITH AN ILLEGAL USE. IT STANDS TO REASON THAT THEY ARE GOING TO COME THROUGH THIS PROCESS, I UNDERSTAND THAT, TO TRY TO GET THE NEW ZONING, ALTHOUGH IT'S GRACIOUS THEY ARE WILLING TO BRING IT DOWN TO G.R., IT STILL BEGAN AS AN ILLEGAL USE, THE ZONING THAT THEY HAVE, L.R., COINCIDENTALLY IS THE SAME ZONING THAT THE STAKEHOLDERS ARE RECOMMENDING. IT'S THE SAME ZONING THAT STAFF IS RECOMMENDING. IT'S THE SAME ZONING THAT THE PLANNING COMMISSION IS RECOMMENDING. IN MY OPINION,

THE ONLY REASON THAT WE ARE CONSIDERING ZONING THAT WOULD GO BEYOND THAT IS BECAUSE THESE PEOPLE HAVE APPLIED AND MADE THIS REQUEST BEFORE. THE OTHER THING THAT I WANT TO STATE IS THAT THE AUTO SALES WHICH HAD BEEN GOING ON ILLEGAL HAVE SINCE MOVED. SO, YOU KNOW, THERE REALLY ISN'T GOING TO BE WHAT YOU WOULD CALL A HARDSHIP HERE BECAUSE THAT USE IS GONE. SO IT'S -- WE ARE NOT EVEN TALKING ABOUT KEEPING THE G.R. SO THAT WE CAN KEEP THE CAR SALES THERE. THEY HAVE ALREADY MOVED TO THE CORNER OF KOENIG AND BURNET ROAD, WHICH COINCIDENTALLY YOU KNOW HAD THE ZONING THEY REQUIRED. SO I JUST WANT YOU TO KNOW THAT WHOLE HISTORY AND HOW WRONG I THINK IT WOULD BE IF WE UPZONED THIS PROPERTY AGAINST THE WISHES OF THE STAKEHOLDERS, AGAINST THE WISHES OF STAFF, AGAINST THE WISHES OF PLANNING COMMISSION AND HOPEFULLY AFTER TONIGHT AGAINST YOUR WISHES. THANK YOU. THAT'S ALL THAT I HAVE TO SAY.

THANK YOU, MR. BROCK. CHARLES GEFFIN NOT WISHING TO SPEAK, ALSO AGAINST. AMELIA LOPEZ PHELPS, WELCOME. AND LET'S SEE. SHAW HAMILTON, SHAW STILL AROUND, OFFERED YOU THREE MINUTES IF YOU NEED IT MS. LOPEZ PHELPS.

HOPEFULLY I'LL JUST USE THREE MINUTES. A COUPLE OF POINTS OF CLARIFICATION, HE'S CORRECT THE BUSINESS DID MOVE AWAY. IT WAS A TENANT THAT THE PROPERTY OWNERS, HAD LEASED THE SPACE. THE REASON THEY LEASED IT AND THE OWNERS ACTUALLY DID MOVE IN BEFORE THEY RECEIVED PROPER PERMITTING IS BECAUSE THE CURRENT OWNERS AND HIS PARTNER HAVE OWNED THIS PROPERTY FOR MANY, MANY YEARS. THAT SIDE ACTUALLY HAVE AUTOMOTIVE SERVICE BUSINESSES FOR OVER 40 YEARS IN THE FORM OF A GAS STATION, AUTO REPAIR, AUTO SALES. THEN THEY OPENED THE PHARMACY THERE WHICH SOME OF YOU MAY RECALL. THE PHARMACY CLOSED MAYBE A YEAR AND A HALF AGO, AT THAT POINT HE LEASED IT OUT TO FREEDOM AUTO SALES WHO THOUGHT BECAUSE IT HAD BEEN USED FOR AUTOMOTIVE FOR 40 SOMETHING YEARS WAS FINE WHICH OBVIOUSLY WAS A MISTAKE. SINCE THEY WERE RED TAGGED WE WENT AHEAD AND TRIED TO FIX THE PROBLEM BASED ON STAFF

RECOMMENDATION THAT YOU HAVE AUTOMOTIVE RELATED BUSINESSES AND ALL THREE CORNERS, YOU WERE PREVIOUSLY AUTOMOTIVE SERVICES FOR 40 SOMETHING YEARS, SO THE CITY STAFF DID NOT SEE THAT THERE WOULD BE A PROBLEM. OF COURSE AT THAT PARTICULAR TIME THIS NEIGHBORHOOD PLAN WAS ALREADY IN THE BEGINNING OF ITS PROCESS. MR. LYMAN BEING AN ELDERLY GENTLEMAN WASN'T REALLY INVOLVED IN THAT. WHICH WAS A REASON WE THOUGHT IT WAS A LEGITIMATE REQUEST TO ASK FOR THE ZONING. THE CS IS BECAUSE IT'S SUCH A TYPE KNEE LITTLE LOT. WE FELT LIKE WE NEEDED TO TRY TO ALLOW FOR OURSELVES AS MUCH USABLE AREA AS POSSIBLE AFTER TAKING IT ON KOENIG, THERE IS A CORNER LOT. THERE'S NOT GOING TO BE A WHOLE LOT LEFT ON THIS LOT TO BEGIN WITH. THE SURROUNDING COMMERCIAL OWNERS DID GIVE US LETTERS OF SUPPORT DURING THE ZONING APPLICATION. THE [INDISERNIBLE] SALES MOVED WAY. THEY WOULD LIKE TO GET A G.R. ZONING, WE FEEL THAT'S REASONABLE. IT WILL GIVE US A LITTLE BIT MORE TO WORK WITH TO TRY TO LEASE THAT SPACE, GENERATE COMPANY. THIS IS THEIR PROPERTY, THEY HAVE OWNED IT, THEY HAVE OWNED IT FOR MANY, MANY YEARS, WE WOULD ASK YOU TO CONSIDER THE MERITS OF THE CASE, CONSIDER THE FACT OF WHAT KIND OF USE FOR MANY YEARS BEFORE THE PHARMACY, CONSIDER THE FACT THAT YOU HAVE AUTOMOTIVE SALES THAT WERE APPROVED, I BELIEVE IT WAS IN '96 ACROSS THE STREET. ALSO ON THE WEST SIDE OF WOOD ROW, WHICH IS THE BREAKING POINT FOR L.R. ZONING, YOU HAVE A [INDISCERNIBLE] ON THE NORTHEAST CORNER WHICH IS AUTOMOTIVE RELATED, TEXAS HONDA WHICH OF COURSE I REPRESENTED EARLIER. WE THINK THIS IS A VERY LEGITIMATE REQUEST. WE WOULD ASK FOR YOUR CONSIDERATION. THANK YOU.

Mayor Wynn: TECHNICALLY ON OUR MOTION SHEET IT DOESN'T SPECIFICALLY SHOW THIS AS A VALID PETITION TRACT. IS THAT -- IS THAT THE CASE? THERE IS A VALID PETITION ON --

THE PROPERTY IS CURRENTLY ZONED --

Mayor Wynn: THE APPLICANT OR THE OWNER IS THE

APPLICANT.

YES THE OWNER IS AN APPLICANT, THERE'S NOT A PETITION FILED BY US AND THERE'S NOT A VALID PETITION FILED BY THE OPPOSITION.

Mayor Wynn: THANK YOU. NEXT SPEAKER IS MR. DON LAY TANK BURRO. WELCOME BACK. YOU WILL HAVE THREE MINUTES. I WILL BE BRIEFER THAN THAT.

WHEN I FIRST MOVED INTO THE NEIGHBORHOOD, FIRST TEXAS HONDA WAS NOT THERE. MRS. JOHNSON'S BAKERY WAS THERE. WE HAD A LITTLE STRIP CENTER VERY MUCH LIKE THE CRESTVIEW STRIP CENTER OR CRESTVIEW NEIGHBORHOOD SHOPPING CENTER WHICH A GOOD MANY OF YOU PROBABLY KNOW. THERE WAS A LOT OF DEVELOPMENT POTENTIAL FOR THE FIRST TEXAS HONDA SITE. FIRST TEXAS HONDA HAS HAD THEIR ON THIS PARTICULAR PIECE OF PROPERTY. THE PHENOMENON THAT I WOULD LIKE TO POINT OUT IS WHEN FIRST TEXAS HONDA MOVED IN, WHEN ROGER BEESLY MOVED INTO -- ON BURNET ROAD, WE LOST A SAFE WAY, WE LOST A TACO BELL, WE LOST A BASKIN ROBBINS, WE LOST A HOLIDAY HOUSE, WE LOST A SCHLOTSKIS. THOSE ARE ALL NOW USED CAR LOTS THAT SURROUND THESE BIG ANCHOR FIRST TEXAS HONDAS AND MAZDAS. IF WE DO NOT CHECK THIS TONIGHT AND SAY LOOK THAT USED CAR LOT, THE ILLEGAL USED CAR LOT IS GONE, THIS IS A VIABLE L.R. USE. THERE'S LOTS OF THINGS THAT COULD APPEAR ALONG KOENIG LANE. I JUST ASK YOU TO SUPPORT THE L.R., THANK YOU.

THANK YOU, SIR.

Mayor Wynn: COUNCIL, THAT'S ALL THE FOLKS SIGNED UP WISHING TO SPEAK ON THE PUBLIC HEARING TO ITEM Z-7. I WILL ENTERTAIN A MOTION TO CLOSE THE PUBLIC HEARING. MOTION MADE BY THE MAYOR PRO TEM. SECONDED BY COUNCILMEMBER ALVAREZ, ALL IN FAVOR PLEASE SAY AYE.

AYE.

OPPOSED? THE PUBLIC HEARING ON ITEM Z-7 IS NOW CLOSED. THANK YOU. SO NOW BACK TO THE MOTION SHEET.

MAYOR PRO TEM.

MY MOTION WOULD BE 2 A. ON THE NEIGHBORHOOD PLAN.
WHICH IS APPROVED PLANNING COMMISSION
RECOMMENDATION.

MOTION MADE BY MAYOR PRO TEM, SECONDED BY
COUNCILMEMBER ALVAREZ. TO APPROVE MOTION 2 A.
WHICH IS THE NEIGHBORHOOD -- Z-2 NEIGHBORHOOD PLAN
PER THE PLANNING COMMISSION RECOMMENDATION.
FURTHER COMMENTS, QUESTIONS? HEARING NONE, ALL
THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE MOTION
PASSES ON FIRST READING ON A VOTE OF 7-0. NOW FOR
THE -- FOR THE Z-7 ZONING MOTION.

Goodman: MAYOR? I WOULD OFFER A MOTION TO APPROVE
THE PLANNING COMMISSION RECOMMENDATION OF THE
L.R.-M.U.-C.O.-N.P. CONDITIONAL OVERLAY D. AND DENYING
Z-7. SO IT WOULD REMAIN L.R. IS THAT RIGHT? OKAY. THIS IS
THE CORRESPONDING Z-7 ZONING CASE THEN WITH MOTION
2 A.

RIGHT. STRAIGHT ACROSS. MOTION MADE BY THE MAYOR
PRO TEM TO APPROVE THE PLANNING COMMISSION ZONING
ON -- ON CASE Z-7. L.R.-M.U.-C.O.-N.P. WITH THE
CONDITIONAL OVERLAY D, THE NEIGHBORHOOD PLAN
REZONING AND STAFF RECOMMENDATION TO DENY ITEM Z-
7.

SECOND.

SECONDED BY COUNCILMEMBER ALVAREZ. NOW, QUESTION
OF STAFF SINCE THIS IS A -- SINCE THIS IS A -- IS THIS
TECHNICALLY A DENIAL, SO IS -- IS -- IS THIS FIRST -- THIS IS
NOT FIRST READING, THIS IS JUST SIMPLY A DENIAL,
CORRECT, OR THE FACT THAT THERE'S A -- IS THIS STILL A
ZONING CHANGE AND THEREFORE FIRST READING ONLY?

FIRST READING ONLY FOR BOTH THE Z-7 AND Z-8? SO IT

WOULD BE FIRST READING ONLY. DEFINITELY FIRST READING ONLY Z-8 WHICH IS THE NEIGHBORHOOD PLAN REZONINGS. BUT ALSO FIRST READING Z-7 WHICH IS THE CASE, THE SEPARATE CASE.

Goodman: WELL, EXCEPT THAT WE'RE --

THIS WILL ALSO APPEAR IN THE NEIGHBORHOOD ZONING ORDINANCE AND THEREFORE IT'S FIRST READING ON THE NEIGHBORHOOD ZONING CASE. SO -- SO THE MOTION COVERS BOTH OF THOSE ACTIONS.

Mayor Wynn: OKAY. MOTION MADE THE SECONDED ON TRACT 101. ALSO SHOWN AS ITEM Z-7 AS READ. FURTHER QUESTIONS OF STAFF?

Thomas: MAYOR?

Mayor Wynn: COUNCILMEMBER THOMAS?

Thomas: MS. PHELPS, COULD I ANSWER A QUESTION FOR ME? DO YOU HAVE ANY IDEA WHAT -- WHAT THEY WANT TO DO WITH THE PROPERTY?

THEY -- IT'S VERY SMALL LOTS, WE'VE HAD A DIFFICULT TIME FINDING A USER. IT WOULD BE A RETAIL USER THAT DOESN'T GENERATE HIGH PARKING REQUIREMENTS. I DO WANT TO CLARIFY AND I SPECIFICALLY CONFIRMED THIS WITH THE HARDMAN FAMILY THEY ARE IN WAY INTERESTING OR PLANNING TO PURSUE USING THIS TRACT LEASE OR PURCHASE FOR THEIR AUTOMOTIVE SALES OR ANYTHING LIKE THAT. SO I WANT TO CLEAR THAT UP BECAUSE I KNOW THAT'S BEEN BROUGHT UP ONCE BEFORE. I SPECIFICALLY ASKED THE REPRESENTATIVES OF THE -- OF THE OWNERS OF THE HARDAMAN ESTATE. SO THEY ARE NOT PURSUING AN AUTOMOTIVE RELATED BUSINESS. BUT THE G.R. GIVES THEM MORE FLEXIBILITY ON THE DESIGN AND THE USES.

AND THE L.R. WON'T?

EXCUSE ME.

WHAT ABOUT THE L.R.?

THE L.R. GIVES US A LITTLE MORE RESTRICTIONS. WE WOULD APPRECIATE THAT.

Mayor Wynn: COUNCIL, I'VE ASKED A QUESTION THAT HAS CAUSED A LITTLE HUDDLE IN THE CORNER. THE TECHNICAL QUESTION OF YOU KNOW WE ARE ESSENTIALLY DENYING ONE ZONING CASE, Z-7, SO -- SO IT SEEMS TO ME TECHNICALLY THAT CASE GOES AWAY WHICH IS THE I GUESS OWNER APPLIED CASE. BUT THAT LEAVES US WITH ITEM Z-8 ON FIRST READING ONLY. WHICH ALSO IS A ZONING CHANGE, ZONING CASE, BUT THE CITY OF AUSTIN AS THE APPLICANT. BUT FIRST READING ONLY. SO THERE'S -- ALTHOUGH Z-7 HAS BEEN DENIED IT NOW GOES AWAY. THERE'S STILL -- FIRST READING ONLY ZONING CHANGE STILL PENDING -- I MEAN FIRST READING ONLY APPROVAL.

THAT'S CORRECT. THIS TRACT IS STILL A PART OF THE ZONING ORDINANCE FOR THE NEIGHBORHOOD PLAN SO IT'S STILL -- IT'S STILL -- SUBJECT TO CHANGE IF THE COUNCIL SO DESIRES ON SECOND OR THIRD READING. IF YOU WANTED TO CHANGE -- ULTIMATELY CHANGE AND GO WITH THE NEIGHBORHOOD OR THE APPLICANT'S REQUEST ON SECOND OR THIRD READING YOU COULD DO THAT.

BUT SINCE IT IS SEPARATE IT DOES HAVE ITS OWN FIRST READING.

YES. RIGHT.

THANK YOU. SO AGAIN COUNCIL, MOTION AND SECOND ON THE TABLE. FOR APPROVAL OF PLANNING COMMISSION RECOMMENDED -- RECOMMENDED Z-8 ZONING ESSENTIALLY ON FIRST READING. TRACT 101 AND DENYING THE Z-7 ZONING CASE.

[INDISCERNIBLE] I NEED TO GET UP AND TALK. WERE [INDISCERNIBLE] BEFORE [INAUDIBLE - NO MIC]

Mayor Wynn: I KNOW THE FEELING, SIR. ITEM Z-7. IF YOU WOULD LIKE TO SPEAK ON ITEM Z-7.

I WANT TO SPEAK -- [INAUDIBLE - NO MIC] MORE IMPORTANT,
GET HOME BEFORE I DIE.

Mayor Wynn: WELL --

THERE'S GOT TO BE -- OVERRIDING EVERYTHING ELSE.

Mayor Wynn: THE POLICY IS -- IS SIMPLE --

I TALKED TO THE F.B.I., THEY ARE INVESTIGATING THIS --
THIS CASE OF VIOLATING MY RIGHTS. I CALLED HIM, I CALLED
YOU -- [YELLING]

Mayor Wynn: THE POLICY IS SHOWING CIVILITY TOWARD
YOUR FELLOW CITIZENS WHO HAVE BEEN WAITING FOR A
VERY LONG TIME. WILL BE HERE FOR HOURS AND HOURS
MORE TONIGHT -- FOR THEM TO BE HEARD BY THIS COUNCIL.

YOU CAN JUST DROP IT. I'M DEAD.

Mayor Wynn: MOTION ON THE TAIL AND SECONDED FOR --
FOR -- FOR MOTION 2 A. TRACT 101. FURTHER COMMENTS?

Thomas: I --

Mayor Wynn: HEARING NONE, ALL THOSE IN FAVOR PLEASE
SAY AYE. OPPOSED? MOTION PASSES ON THE Z-8 FIRST
READING ONLY, A VOTE OF 7-0. DENYING THE -- THE Z-7
ZONING CASE. THANK YOU. THAT TAKES US TO THE FIRST OF
THE VALID PETITIONS ON -- ON MOTION NUMBER 3.

MAYOR, WE CAN BRING UP THE TRACT ON THIS MAP, IF YOU
WOULD LIKE THAT. WE HAVE ACTUALLY PICTURES ON SOME
THINGS. I CAN ALSO COME UP AND GIVE US A ONE MINUTE
OVERVIEW IF YOU WOULD LIKE.

Mayor Wynn: IT DOES HELP. THE VISUAL ABOVE YOU REALLY
DOES HELP US AS WELL. THANK YOU.

THIS IS ON BURNET LANE, TRACT 3. BURNET LANE IS ONE
STREET IN FROM BURNET ROAD THE NEIGHBORHOOD PLAN
CALLED FOR SUSTAINING DOWN OF INTENSITY. FROM THE
HIGHEST INTENSITY ON BURNET ROAD TO A LITTLE BIT

LOWER INTENSITY ON BURNET LANE. C.S. ZONING WITH CONDITIONAL OVERLAY G. CONDITIONAL OVERLAY G INCLUDES THE USES THAT ARE -- THAT ARE CURRENTLY IN EXISTENCE ON BURNET LANE. MOST OF THE USES THERE ARE CONSTRUCTION SALES AND SERVICE, LIMITED WAREHOUSING AND AUTO REPAIR AND THOSE USES ARE NOT INCLUDED IN THE CONDITIONAL OVERLAY. THE -- THE ATTEMPT OF THE PLAN WAS TO ACCOMMODATE WHAT'S THERE. BUT HAVE A MOVEMENT TOWARDS A LITTLE BIT LOWER INTENSITY SINCE IT'S OFF THE MAJOR CORRIDOR. WITH NUMBER 3 A AND 3 B THE PROPERTY OWNER IS OPPOSED TO ANY CONDITIONAL OVERLAY WHATSOEVER. SO WITH 3 A, YOU HAVE THE PLANNING COMMISSION RECOMMENDATION OF COMMERCIAL MIXED USE, AND THE C.S.-M.U.-C.O. WITH CONDITIONAL OVERLAY G. WITH THREE B YOU HAVE THE PROPERTY OWNER REQUEST, WHICH IS ALSO -- WHICH I'M SORRY, THEY ACTUALLY DON'T WANT ANY CHANGE SO IT WOULD BE COMMERCIAL ONLY. NOT COMMERCIAL MIXED USE. AND THEY ARE ASKING JUST TO KEEP EXACTLY WHAT THEY HAVE, C.S. AND -- AND ADD THE N.P. TO IT. THAT WOULD BE 3 A AND 3 B.

THIS IS A CASE, REMEMBER, BEING IN THE -- THE -- JIM.

JIM WAS ACTUALLY OKAY WITH THE REZONING. THIS PERSON WAS NOT HERE, THEY HAVE NOT SPOKEN, THEY DID FILE A PETITION -- THE OWNER IS RON MCGUIRE, I DON'T THINK THAT YOU WOULD BE FAMILIAR WITH HIM, IT'S THE CURRENT USE IS APPLE MOVING COMPANY.

MAYOR? MAYOR PRO TEM.

LET ME OFFER A MOTION. I THINK THE PROPERTY OWNER BETWEEN NOW AND SECOND AND THIRD READING CAN GET WITH YOU AND -- AND MAYBE EXPLAIN A LITTLE. ACTUALLY, THE PLANNING COMMISSION RECOMMENDATION ON BOTH NEIGHBORHOOD PLAN AND REZONINGS GIVES THE PROPERTY OWNER MORE OF AN ABILITY TO CHOOSE SO THEY LOSE NOTHING, IN FACT THEY GAIN SOMETHING. AND IT IS -- IT IS ALSO A -- POTENTIALLY GIVE FOR THE NEIGHBORHOOD AS WELL. SO MAYBE THERE'S JUST A MISPERCEPTION AND I WOULD MOVE THE PLANNING

COMMISSION RECOMMENDATION THREE A.

THIS IS ON TRACT 3, 6709 BURNET.

MOTION MADE BY MAYOR PRO TEM TO APPROVE MOTION 3 A ON ITEM Z-2. THE PLANNING COMMISSION RECOMMENDATION FOR TRACT 3.

CAN WE DO BOTH AT ONE TIME IN ONE MOTION, OH, GREAT. THEN MAYOR THAT MOTION WAS REALLY FOR FOR THE NEIGHBORHOOD PLAN AS WELL AS THE REZONING, Z-2 PLUS Z-8.

Mayor Wynn: SO A MOTION BY THE MAYOR PRO TEM TO APPROVE MOTION 3 A ON BOTH Z-2 AND Z-8, TRACT 3, 6709 BURNET LANE, APPROVING PLANNING COMMISSION RECOMMENDATION ON FIRST READING ONLY.

Alvarez: SECOND.

SECONDED BY COUNCILMEMBER ALVAREZ. QUESTIONS OF STAFF? FURTHER COMMENTS. HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF 7-0 ON FIRST READING ONLY.

THE NEXT ONE IS 4 A AND 4 B. LET ME JUST TELL YOU THE STRUCTURE OF THE MOTION SHEET. FIRST WE ARE COVERING PROPERTIES THAT WOULD NOT BE -- WHERE THE CURRENT USE WOULD NOT BE AFFECTED BY THE ZONING CHANGE RECOMMENDATION. ALL OF THE ONES WE ARE COVERING NOW THE CURRENT USES WOULD NOT BE IMPACTED JUST SO YOU KNOW THAT. WE TRY TO GO IN ORDER WITH THE TRACTS BUT HERE WE ARE JUMPING TO TRACT 22 B BECAUSE IT IS THE SAME OWNER AS TRACT 3. IF HE WAS HERE I THOUGHT THAT YOU MIGHT WANT TO ASK HIM QUESTIONS ON BOTH. BUT HE'S NOT. SO THE NEXT ONE IS TRACT 229 B. THIS ONE IS AT 608 KENNISTON. THE MAP IS UP ON THE SCREEN. THIS IS JUST OFF OF AIRPORT BOULEVARD. IT HAS THE -- THE BASICALLY THE SAME

CONDITIONAL OVERLAY WAS RECOMMENDED ON ALL OF THE MAJOR --

EXCUSE ME, I'M SORRY. I AM VERY SORRY --

Mayor Wynn: SIR, I, TOO, AM SORRY. WE HAVE A LOT OF FOLKS SPENT TIME TO GET THIS BUSINESS DONE.

I HAVE BEEN WAITING FOR -- PLEASE I BEG YOU! THIS IS MORE IMPORTANT THAN WHAT'S GOING ON RIGHT NOW. MY LIFE IS MORE IMPORTANT. I'M A CITIZEN OF THE AUSTIN, TEXAS.

Mayor Wynn: AGREE. THE SAME RIGHT WE HAVE PLENTY OF OPPORTUNITY TO ADDRESS THIS COUNCIL.

YOU HAVE PLENTY OF OPPORTUNITIES TO HAVE --
[INAUDIBLE - NO MIC] THESE ARE JUST -- I DON'T KNOW.

Mayor Wynn: WELL, NO, SIR, WE ARE IN THE MIDDLE OF AN IMPORTANT ZONING CASE --

MY LIFE IS MORE IMPORTANT.

Mayor Wynn: WE HAVE LOTS OF IMPORTANT BUSINESS WE TRY TO ACCOMPLISH IN [MULTIPLE VOICES] WE STRUCTURE THE MEETING TO FOLKS IN ADVANCE.

MY RIGHTS [YELLING]

Mayor Wynn: IF YOU ARE PATIENT AS WE FINISH THIS -- PERHAPS BEFORE WE EVEN GO TO A MORE LENGTHY PUBLIC HEARING TONIGHT --

I'M 61 YEARS OLD! I HAVE BEEN WAITING --

Mayor Wynn: THAT YOU WILL ADDRESS --

I HAVE BEEN WAITING UNTIL NOW!

Mayor Wynn: YOU ARE GOING TO WAIT A LOT LONGER. EXCUSE ME, PLEASE CONTINUE. I

I WAS POINTING OUT THAT THE CONDITIONAL OVERLAYS ON THE MAJOR CORRIDORS ARE ONLY EITHER A OR B. THEY ONLY ATTEMPT TO LIMIT THE MOST HEAVY -- THE HEAVIEST USES THAT ARE MORE INDUSTRIAL IN NATURE. CONDITIONAL OVERLAY A IS FOR PROPERTIES THAT ARE NOT ADJACENT TO SINGLE FAMILY. CONDITIONAL OVERLAY B IS FOR PROPERTIES THAT ARE ADJACENT. SO IT ADDS A FEW OF THE MORE NUISANCE USES. WITH THAT TRACT 222 B WAS GIVEN THE SAME CONDITIONAL OVERLAY THAT ALL OF THE MAJOR CORRIDORS WERE GIVEN. THAT WAS CONDITIONAL OVERLAY B. THE PROPERTY OWNER IS OPPOSED JUST AS ON THE EARLIER PROPERTY OPPOSED TO ANY CHANGE WHATSOEVER IN -- SO YOU HAVE 4 A WHICH IS PLANNING COMMISSION RECOMMENDATION, WITH THE ZONING, WOULD GO WITH IT. C.S.-M.U.-C.O.-N.P. ABOUT CONDITIONAL OVERLAY B AND THEN YOU HAVE 4 B WHICH WOULD BE THE PROPERTY OWNER REQUEST, THE LAND USE WOULD JUST BE COMMERCIAL BECAUSE THEY DON'T WANT THE MIXED USE AND THEY JUST WANT THEIR C.S. LEFT EXACTLY AS IT IS.

Goodman: AGAIN, I WOULD OFFER 4 A FOR TRACT 222 B, 608 KENNISTON BECAUSE I BELIEVE THERE IS A MISUNDERSTANDING AND NO USE IS DECREASED OR DIMINISHED. IT DOES ADD ADDITIONAL OPPORTUNITIES. SO THAT'S -- THAT'S FOR THE NEIGHBORHOOD PLAN 4 A AND THEN THE CORRESPONDING PLANNING COMMISSION RECOMMENDATION C.S.-M.U.-C.O.-N.P. CONDITIONAL OVERLAY B.

MOTION MADE BY THE MAYOR PRO TEM TO APPROVE A -- A COMBINED MOTION 4 A FOR BOTH Z-2 THE NEIGHBORHOOD PLAN AND Z-8 THE ZONING CASE OF TRACT 222 B, PER THE PLANNING COMMISSION RECOMMENDATION, FIRST READING ONLY. SECONDED BY COUNCILMEMBER ALVAREZ. QUESTIONS? FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 6-0 WITH COUNCILMEMBER SLUSHER

TEMPORARILY OFF THE DAIS.

NUMBERS 5 AND 6 ARE GOING TO BE EXACTLY THE SAME SCENARIO. WHERE IT'S THE CONDITIONAL OVERLAY THAT IS BEING OPPOSED BY THE PROPERTY OWNER SO 5 A AND 5 B, THIS IS FOR TRACT 10 B, 5607 AND 5615 BURNET ROAD, THE MAP IS UP ON THE SCREEN. IT'S THE SAME SITUATION AS THE ONE THAT YOU JUST DISCUSSED. 5 A WOULD BE PLANNING COMMISSION RECOMMENDATION, 5 B WOULD BE THE PROPERTY OWNER RECOMMENDATION. WHICH WOULD BE NO CHANGE.

Goodman: FOR FIRST READING MAYOR, DON'TING THE PLANNING COMMISSION RECOMMENDATION ON NEIGHBORHOOD PLAN AND ZONING.

MOTION MADE BY THE MAYOR PRO TEM TO APPROVE THE COMBINED MOTION 5 A FOR Z-2 AND Z-8. THE NEIGHBORHOOD PLAN IN THE -- AND THE ZONING CHANGE ON TRACT 10 B PER THE PLANNING COMMISSION RECOMMENDATION, FIRST READING ONLY.

Dunkerley: I HAVE A COMMENT.

SECONDED BY COUNCILMEMBER DUNKERLY.

WELL, I HAVE A COMMENT. I GUESS YOU NEED A SECOND FIRST.

Mayor Wynn: I'LL SECOND THAT. COUNCILMEMBER DUNKERLY?

Dunkerley: ON SEVERAL OF THESE REALLY HAVE BEEN VERY, VERY LONG TERM PROPERTY OWNERS AND SOME OF THESE ALONG BURNET REALLY EVEN DONATED SOME OF THE RIGHT-OF-WAY. I WOULD HOPE THAT BETWEEN THE FIRST READING AND THE SECOND READING THAT PERHAPS STAFF COULD GET WITH THEM AGAIN WITH THESE PROHIBITED USES AND SEE IF THERE ARE ANY OF THOSE USES THAT THEY WOULD AGREE, WOULD AGREE WITH ELIMINATING RATHER THAN JUST BEING TOTALLY OPPOSED TO IT. I'M JUST GOING TO VOTE NO ON THIS ONE UNTIL WE -- UNTIL WE GET SOME FEEDBACK BACK. BUT -- SO THAT'S WHAT I

WOULD LIKE FOR STAFF TO DO. ESPECIALLY ALONG BURNET ROAD. OKAY?

Goodman: AND TO ADD ON TO THAT, IN BETWEEN NOW AND THEN, WELL, RIGHT NOW, MICKEY BENTLEY WHO WAS WORKING ON THIS ONE WAS NOT ABLE TO BE WITH US TONIGHT. THAT'S WHY EVERYTHING IS ON FIRST READING. WE GIVE OURSELVES ROOM TO HEAR.

Dunkerley: RIGHT, I'M HOPING THAT HE WILL BE ABLE TO LOOK AT THIS AND SEE IF IT'S NOT SOME ROOM FOR COMPROMISE.

COUNCILMEMBER, DID YOU WANT ME TO RESPOND -- OKAY.

Dunkerley: NO, JUST A COMMENT.

Mayor Wynn: THANK YOU, THOUGH. MOTION AND A SECOND ON THE TABLE TO APPROVE MOTION 5 A. [INDISCERNIBLE] TO THE NEIGHBORHOOD PLAN AND Z-8 THE ZONING CHANGE FOR TRACT 10 B. FIRST READING ONLY. AGAIN, ON THESE VALID PETITION CASES, IT WOULD TAKE SIX VOTES OF COUNCIL ON THIRD READING TO APPROVE THE FINAL ZONING CHANGE. COUNCILMEMBER ALVAREZ?

Alvarez: FOR THIS ONE AGAIN, THE -- WITH THE PROPOSED ZONING OR RECOMMENDATION FOR PLANNING COMMISSION, THE EXISTING USE IS STILL PERMITTED.

THAT'S CORRECT.

Alvarez: OKAY.

Goodman: ACTUALLY, LET ME CLARIFY. I DON'T THINK MICKEY WAS WORKING ON THAT ONE. I'M MIXING UP MY BURNET ROADS.

THIS WOULD BE -- THE AGENT IS MICKEY BENTLEY.

Goodman: OH, OKAY.

Mayor Wynn: FURTHER COMMENTS? HEARING NONE, ALL

THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

NO.

Mayor Wynn: I'M SORRY. I HEARD TWO KNOWS? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF 5-2 WITH COUNCILMEMBERS MCCRACKEN AND DUNKERLY VOTING NO. DO THE COUNCILMEMBERS REQUEST THAT WE BY IF YOU ARE INDICATE THE ISSUES AND WE ARE GOING TO VOTE FOR THE NEIGHBORHOOD PLAN SEPARATELY FOR THE ZONING OR COMFORTABLE ON FIRST READING KEEPING THOSE THE SAME? QUESTION IS DO YOU WANT TO BE SHOWN AS VOTING AGAINST THE NEIGHBORHOOD PLAN --

Dunkerley: I'M OKAY WITH THE NEIGHBORHOOD PLAN.

McCracken: I AM, TOO.

Goodman: LET'S RECEIVER THEN. SEVER THEN. THE MOTION THEN IS 5 A TO APPROVE THE PLANNING COMMISSION RECOMMENDATION ON THE NEIGHBORHOOD PLAN.

Mayor Wynn: I'LL SECOND THAT. SO THE -- SO AGAIN THE MOTION IS FOR THE -- FROM THE CASE Z-2, MOTION 5 A APPROVING THE PLANNING COMMISSION RECOMMENDATION ON TRACT 10 B. FURTHER COMMENTS? WE HAVE -- WE WENT BACK AND BIFURCATED THE VOTE ON MOTION NUMBER 5, TRACT 10 B. ASSUMING THAT -- THAT -- THAT -- THAT THE COUNCIL WANTED TO VOTE UNANIMOUSLY FOR THE NEIGHBORHOOD PLAN, WHICH IS A SEPARATE VOTE THAN THE ZONING CHANGE ON THIS TRACT.

Goodman: AND IS NOT IN CONFLICT WITH YOUR NO VOTE LATER.

Mayor Wynn: ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

ALL OPPOSED? SO MOTION 5 A ON Z-2 APPROVED ON FIRST READING ON A VOTE OF 7-0. I WILL ENTERTAIN A MOTION ON TRACT -- MOTION 5 ON Z-8.

STRAIGHT ACROSS, MAYOR. WOULD BE THE PLANNING COMMISSION RECOMMENDATION FOR C.S.-M.U.-C.O.-N.P. CONDITIONAL OVERLAY B. FOR TRACT 10 B.

Mayor Wynn: THANK YOU. AGAIN MOTION 5 A ON CASE Z-8, MADE BY THE MAYOR PRO TEM. I'LL SECOND THAT. FIRST READING ONLY. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED?

McCracken: ON THE NEIGHBORHOOD PLAN ITSELF?

Mayor Wynn: THIS IS NOW THE ZONING CASE THAT YOU ALL VOTED NO FOR.

Dunkerley: OKAY WE'RE STILL NO.

Mayor Wynn: MOTION PASSES ON A VOTE OF 5-2 WITH COUNCILMEMBER DUNKERLY AND MCCRACKEN VOTING NO AT FIRST READING. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Mayor Wynn: MOTION 67-A MADE BY MAYOR PRO TEM. I'LL SECOND THAT ON TRACT 10-B, 5701 TO 5715 BURNET ROAD. THE 6-A MOTION. FURTHER COMMENTS?

Goodman: YES. ON THIS ONE, THIS IS THE ONE I CIPT MEANING TO STUDY MORE, SO I'M JUST ASSUMING THAT WE'LL HAVE TIME TO TALK IN BETWEEN NOW AND THEN. FOR THE FIRST READING IT SHOULD BE OKAY.

WE SHOULD HAVE SEPARATED INTO Z-8 AND Z-2 ON THIS ONE?

Goodman: .

Mayor Wynn: SO THE MOTION IS Z-8 AND Z-2 ON THE NEIGHBORHOOD PLAN. FURTHER COMMENTS? ALL IN FAVOR? OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO ON FIRST READING.

Goodman: AND THEN THE PLANNING COMMISSION FOR TRACT 10-B, CS-MU-CO-NP WITH CONDITIONAL OVERLAY B, FIRST READING.

Mayor Wynn: I'LL SECOND THAT. AGAIN, MOTION 6-A, MOTION AND SECONDED FOR Z-8, THE ZONING EQUIVALENT FOR 5701, 575715 BURNET ROAD FOR PLANNING COMMISSION RECOMMENDATION, FIR READING ONLY. FURTHER COMMENTS? ALL THOSE IF FAVOR, PLEASE SAY AYE. OPPOSED? MOTION PASSES ON A VOTE OF FIVE TO TWO WITH COUNCILMEMBERS MCCRACKEN AND DUNKERLEY VOTING NO, FIRST READING ONLY. TRACT 77-B.

MAYOR, IF I COULD GIVE YOU A REALLY BRIEF OVERVIEW WHICH WILL COVER 7 AND 8. THEY BOTH RELATE TO CS-1 ZONING. THERE IS AN OVERABUNDANCE OF CS-1 ZONING IN THE PLANNING AREA, WITH A STRETCH OF LAMAR OF ABOUT EIGHT BLOCKS IN A ROW, WHICH IS ACTUALLY ZONED CS-1. TO RESOLVE THAT THE NEIGHBORHOOD PLAN RECOMMENDS ONLY THAT USES THAT ACTUALLY NEED IT CURRENTLY, MAINTAIN THE CS-1. OTHER USES WOULD GO -- OTHER PROPERTIES WOULD GO TO JUST THE CS ZONING. THERE'S NOTHING IN THE PLAN THAT SAYS CS-1 IS INAPPROPRIATE ON THE MAJOR CORRIDORS, IT'S JUST THAT THERE WAS NO WAY TO DECIDE WHO COULD GET IT AND WHO COULDN'T. SO IT'S FULLY EXPECTED THAT IN THE FUTURE ON A CASE-BY-CASE BASIS THE POLICYMAKERS WILL DECIDE WHERE IT'S APPROPRIATE. SO I WANTED TO GIVE YOU THAT. SO 77-B IS AT 814 ROMERIA. CURRENTLY THEY DO HAVE CS 1 ZONING ON THAT PROPERTY. THE PLANNING COMMISSION RECOMMENDATION IS COMMERCIAL MIXED USE, WITH JUST THE CS-MU-CO, NP. THE PROPERTY OWNER WOULD LIKE TO MAINTAIN THE CS-1 ZONING. AND THIS ONE SHOULD BE UP ON YOUR SCREEN. IT ACTUALLY FRONTS ON TO -- PART OF THE PROPERTY FRONTS ON TO ROMERIA. ONE PROPERTY FRONTS ROMERIA AND ONE FRONTS LAMAR.

Dunkerley: MAYOR, COULD I ASK A QUESTION?

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: ON THE STRIP THERE WHERE YOU'VE GOT ALL OF THE CS-1, ARE THESE THE ONLY TWO PROPERTY OWNERS THAT REQUESTED TO KEEP THEIR CS-1?

THERE WERE OTHERS WHO EXPRESSED INTEREST, BUT THESE ARE THE ONLY TWO WHO FOLLOWED THROUGH AND CAME TO THIS POINT AND DISCUSSED WITH STAFF AND ARE HERE TONIGHT.

Dunkerley: LET ME ASK YOU IF THEY'VE -- DID THEY FEEL LIKE THEY WERE GOING TO HAVE A FAIRLY IMMEDIATE NEED FOR CS-1? I HATE TO DO CS AND HAVE THEM GO BACK AND GO THROUGH THE PROCESS OF ANOTHER ZONING CHANGE WHEN YOU SAID IT'S APPROPRIATE USE ALONG THERE, IT'S JUST THAT YOU COULDN'T TELL WHICH ONES NEEDED IT. THESE TWO OWNERS ARE SAYING THEY NEED IT, SO I DON'T SEE WHY WE WOULD CHANGE IT AND THEN HAVE THEM COME BACK AND HAVE TO FILE A NEW ZONING CASE.

MY UNDERSTANDING IS NEITHER ONE HAS ANY IMMEDIATE INTENTION TO DO ANYTHING WITH WANTING TO PRESERVE IT; HOWEVER, THE AGENT FOR NUMBER 8 IS JOHN JOSEPH, JUNIOR. I KNOW HE'S HERE. AND THE OTHER ONE I THINK HAS LEFT ALREADY.

Dunkerley: BUT I GUESS TO MY QUESTION, IF YOU THINK IT'S AN APPROPRIATE ZONING AND THEY'VE REQUESTED TO KEEP IT, I DON'T KNOW WHY WE WOULD TURN AROUND AND CHANGE IT.

WE DIDN'T REVIEW IT LIKE WE WOULD REVIEW A CASE THAT CAME IN FOR CS-1 BECAUSE WE HAD THE COMPREHENSIVE APPROACH.

Mayor Wynn: IF YOU COULD, IN THIS LONG STRETCH THEN, I GUESS THERE ARE DOZENS OF PROPERTIES? CAN WE HAVE AN APPROXIMATION OF HOW MANY TRACT, INDIVIDUAL TRACTS ARE ZONED CS 1 AND THEN HOW MANY WE WOULD BE -- I'M SUPPORTIVE OF THE CONCEPT OF THE BROAD

DESIGNATION OF CS 1 IN ORDER FOR THERE TO BE A MORE APPROPRIATE CASE BY CASE ANALYSIS OF THAT. ON THIS MAP HERE I CAN POINT IT OUT. IT GOES FROM HOUSTON, WHICH IS SOUTH OF KOENIG, ALL THE WAY TO JUSTIN. THE WEST SIDE, ALL OF THESE PROPERTIES ARE CS-1. AND ONLY THREE OF THEM ACTUALLY NEED IT. SO THAT WOULD BE TO HAVE THREE PROPERTIES ZONED CS-1 IN THAT STRETCH. THERE ARE OTHERS ON THE OTHER MAJOR CORRIDORS.

SO THEN ALL THE OTHERS THEN PER THE NEIGHBORHOOD PLAN WE'VE ALREADY ZONED BACK TO JUST CS. BUT THESE ARE THE TWO THAT ARE OPPOSING HAVING THE CS-1 DESIGNATION REVERTED TO CS.

YES.

Mayor Wynn: SO THE VAST MAJORITY OF THE PROPERTY OWNERS UP AND DOWN THE STREET APPARENTLY DON'T HAVE AN ISSUE WITH LOSING THE ONE DESIGNATION KNOWING THAT SHOULD THEY NEED THAT IN THE FUTURE, AND IT'S AN APPROPRIATE SITE, WE FREQUENTLY APPROVE CS-1, THEY COULD HAVE THE ABILITY TO COME BACK AND ASK FOR IT AND IT WOULDN'T BE IN SPECIFIC CONFLICT WITH THE NEIGHBORHOOD PLAN OR THE ARTICLES IN THE PLAN.

THAT'S CORRECT.

Mayor Wynn: THANK YOU.

Goodman: SO IT WOULDN'T REQUIRE AN AMENDMENT TO THE PLAN EITHER. IT WOULD BE A STRAIGHT SHOT.

Mayor Wynn: COUNCILMEMBER DUNKERLEY.

Dunkerley: [INAUDIBLE - NO MIC]

IT'S UP HERE ON THE SCREEN. AND I THINK THE ISSUE ABOUT THIS ONE IS IT'S THE TWO PROPERTIES -- COULD YOU POINT TO THEM WITH THE POINTER, LISA? THAT'S THE FIRST ONE. AND THE SECOND ONE IS ACTUALLY FRONTING ON ROMERIA, WHICH IS NOT THE MAJOR ARTERIAL. AND YOU CAN ZONE THEM -- YOU CAN ZONE THE CORNER ONE ZONING CLASSIFICATION AND THE PROPERTY THAT GOES

INTERIOR A DIFFERENT ONE IF YOU DESIRED TO. BUT THERE IS ONE FRONTING LAMAR AND ONE ACTUALLY FRONTS THE SIDE STREET, WHICH IS ROMERIA.

Dunkerley: [INAUDIBLE - NO MIC].

Alvarez: CAN YOU TURN YOUR MIC --

CAN YOU TURN YOUR MIC ON?

Dunkerley: BEFORE THE SECOND READING COULD I ASK THE STAFF TO COME BY AND GO OVER IN DETAIL THOSE TWO CS-1 PROPOSALS? SO I CAN UNDERSTAND IT A LITTLE BIT BETTER WITH THE APPROPRIATE MAPS?

SURE.

I DID WANT TO JUST CLARIFY NUMBER 8, WHICH IS THE ONE JOHN JOSEPH, JUNIOR IS HERE RESPECTING THEM. THAT IS ALARM PROPERTY FURTHER NORTH UP THE ROAD.

McCracken: MAYOR. THIS ROMERIA PROPERTY THEN, DO I UNDERSTAND THAT IT'S ACTUALLY TWO PROPERTIES THAT -- ONE ON LAMAR AND ONE ON ROMERIA.

THAT'S RIGHT.

McCracken: AND IS THAT A RESIDENTIAL STREET?

IT HAS THE -- THE LA VENDOR OR PURPLE -- LAUGH VENDOR OR PURPLE COLOR THERE THAT YOU SEE FOR A DEPTH OF THREE LOTS IS COMMERCIAL AND THEN IT GOES TO MULTI-FAMILY AND THEN SINGLE-FAMILY.

McCracken: SO I GUESS I'M WONDERING THEN IS EVEN THOUGH IT -- HOW WOULD WE DO IT WHERE LAMAR PROPERTY IS AT CS-1, WHEREAS THE ROAMERIA PROPERTY CAN HAVE FRONTAGE, I GUESS? ,.

THEY ACTUALLY HAVE TWO SEPARATE ADDRESSES. I THINK THE OWNER SUBMITTED THE PETITION WITHOUT BOTH ADDRESSES ON IT. I THINK HE INTENDED TO INCLUDE BOTH ADDRESSES. ONE IS 6200 NORTH LAMAR AND ONE IS 814

ROAMERIA. AND IT LOOKS LIKE HE ONLY INCLUDED 814 ROMERIA. BUT I THINK HIS INTENTION WAS TO INCLUDE THE WHOLE THING, INCLUDING 6200 NORTH LAMAR.

McCracken: IS HE HERE RIGHT NOW?

I THINK HE'S LEFT.

Mayor Wynn: MAYOR PRO TEM.

Goodman: THAT'S OKAY. I CAN WAIT.

Thomas: I WAS JUST GOING TO MAKE A MOTION BECAUSE IT'S 10:00 O'CLOCK.

Mayor Wynn: MOTION MADE BY COUNCILMEMBER THOMAS TO WAIVE THE COUNCIL RULES TO EXTEND THE MEETING PAST 10:00 P.M.

Slusher: I'LL SECOND FOR DISCUSSION. [LAUGHTER]

Mayor Wynn: SECONDED BY COUNCILMEMBER SLUSHER.

Slusher: MAYOR, I DID WANT TO DISCUSS IT. BECAUSE ARE WE GOING TO -- IF WE HEAR THIS ONE, WE HAVE A LOT OF PEOPLE WAITING TO THE NEXT ONE. IS THERE SOME WAY WE COULD TAKE MAYBE THE ONES PEOPLE ARE HERE FOR AND POSTPONE THE REST OF THEM IF THE COUNCIL WOULD BE AMENABLE THAT. WE COULD TRY A MASS MOTION. IT'S PRETTY INTRICATE.

Mayor Wynn: WITH ALL DUE RESPECT TO THE FOLKS WHO ARE HERE FOR SPECIFIC ON PROPERTIES, I WILL SAY, YOU KNOW, FRANKLY, KNOWING THE COMPLEXITIES OF THIS AND WE'RE CLEARLY GOING TO TAKE IT UP ON A SECOND AND THIRD READING, WITH LIKELY A LOT MORE FEEDBACK FROM INDIVIDUAL PROPERTY OWNERS, I'M COMFORTABLE WITH A MASSIVE FIRST READING ONLY. THIS IS A REMARKABLE AMOUNT OF DATA, REMARKABLE JOB BY STAFF TO GET THIS TO US AT THIS TIME, BUT AS IT IS, WE'RE JUST GOING TO SIMPLY GO THROUGH THESE AND APPROVE, I BELIEVE, ALL OF THEM ON FIRST READING ONLY. SOME MIGHT BE FIVE-TWO VOTES, SOME MIGHT BE SEVEN-0 VOTES, BUT I THINK

WE COULD PROBABLY BE MORE RESPECTFUL OF FOLKS HERE FROM THE TWO NEIGHBORHOODS AS WELL AS A BUNCH OF FOLKS WHO ARE HERE TO TALK ABOUT A MEET AND CONFER CONTRACT IN A FEW MINUTE. MAYOR PRO TEM, THANK YOU. ACTUALLY, WE HAVEN'T VOTED ON EXTENDING THE COUNCIL. [LAUGHTER]

Slusher: I'LL YIELD THE FLOOR ON THAT ONE.

Mayor Wynn: MOTION IS MADE AND SECONDED TO WAIVE COUNCIL RULES TO EXTEND THE MEETING PAST 10:00 P.M. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE. OPPOSED? MOTION PASSES RELUCTANTLY ON A VOTE OF SEVEN TO ZERO. MAYOR PRO TEM?

Goodman: BEARING IN MIND THIS IS ONLY FOR FIRST READING, I WOULD OFFER THIS MOTION, HUGE, HUGE MOTION. FOR 7-A -- OH, AND THE EXPECTATIONS OF IF THERE IS A CASE AMONG THESE THAT PEOPLE FEEL REALLY STRONGLY ABOUT AND WANT TO VOTE NO ON, I'D OFFER THE PLANNING COMMISSION RECOMMENDATION FOR EVERY SINGLE ONE THAT IS IN OUR SCRIPT, INCLUDING TRACTS 248, 94, 99, 238, 272, 240 AND 271. ON FIRST READING. BOTH FOR THE NEIGHBORHOOD PLAN AND REZONING. SO THAT TAKES EVERYTHING AND THE ONES THAT WERE ADDED TONIGHT.

Mayor Wynn: I'LL SECOND THAT MOTION. THANK YOU.

Slusher: MAYOR, THIS MAY BE MORE PAINFUL AT THE TIME IN THE FUTURE, BUT IF WE'RE GOING TO DO IT TONIGHT, WE NEED TO HAVE BOTH SECOND AND THIRD READING OR AT LEAST HAVE A LOT OF DETAIL. I DON'T MEAN SECOND AND THIRD READING TONIGHT, I MEAN AT THE -- WE NEED TO DO TWO SEPARATE READINGS IS WHAT I'M SAYING OR ELSE HAVE DONE A LOT OF DETAILED WORK. I KNOW I'LL HAVE TO BEFORE I DO ONE OR THE OTHER.

Mayor Wynn: I TEND TO AGREE. I THINK THIS NUMBER OF CASES HERE THAT ARE POTENTIALLY IN CONFLICT WOULD PROBABLY FIRE TWO MORE SHOTS AT IT.

Goodman: THE ONLY REASON I OFFER THAT REALLY IS IN

THE INTEREST OF TIME AND SO THAT WE DON'T SORT OF BIFURCATE THE NEIGHBORHOOD PLAN.

Slusher: NO, I UNDERSTAND. I JUST WANT -- I WANT TO ASSURE PEOPLE THAT WE'RE GOING TO LOOK AT EACH ONE OF THESE CAREFULLY AND WE WOULDN'T COME BACK TWO TIMES AND MAKE A MASS MOTION, BUT WE DO HAVE -- WE HAVE OTHER ITEMS TO GET TO TONIGHT. WE'VE BEEN -- WHAT, WE'RE FOUR HOURS LATER ON OUR 6:00 O'CLOCK HEARING AND WE'VE BEEN ON ZONING SINCE 4:00 O'CLOCK.

Mayor Wynn: MOTION IS MADE AND SECONDED TO APPROVE ALL Z-2 AND Z-8 MOTIONS. THE A FORMAT APPROVING THE PLANNING COMMISSION RECOMMENDATION ON Z-2, FIRST READING ONLY. AND THE PLANNING COMMISSION RECOMMENDATION Z-8 ZONING CHANGES FIRST READING ONLY. ON ALL CASES. FURTHER COMMENTS? HEARING NONE, ALL THOSE IN FAVOR PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON FIRST READING ONLY ON A VOTE OF SEVEN TO ZERO. APPRECIATE EVERYBODY'S PATIENCE. COUNCIL, WITHOUT OBJECTION, IS MARY LONG GILE STILL HERE? MARY, COUNCIL, WITHOUT OBJECTION, MS. GILE OR GALE, I'M SORRY, HAD A PARENT-TEACHER MEETING, WAS UNABLE TO GIVE HER PRESENTATION, SO AT THIS TIME MARY, YOU WILL HAVE THREE MINUTES TO ADDRESS US REGARDING THIS ISSUE.

SORRY I'M LATE. I'VE LIVED IN THE NEIGHBORHOOD THERE ON CLAY AVENUE FOR 23 YEARS WITH MY HUSBAND, AND REQUEST THAT THE CITY REZONE 5508, 5510, 56 AND 5602 TO LR. THE NEIGHBORHOOD IS 85% RESIDENTIAL. AND IT COULD ENCROACH, THE COMMERCIALISM COULD ENCROACH IF YOU CHANGE IT TO THE MU. WE OPPOSE THE MU DESIGNATION BECAUSE IT WOULD ALLOW APPROXIMATELY 16 APARTMENT UNITS PER LOT, WHICH IS 800 PERCENT OF THE CURRENT RESIDENTIAL DENSITY OF THE PROPERTY. I WALKED THE NEIGHBORHOOD AND TALKED WITH EVERY NEIGHBOR THAT I TALKED WITH SIGNED THE PETITION AGAINST THE MU. AND FOR THE LR. AND THEN ALSO ON THE 5611 -- 5611 CLAY, I SPOKE WITH A LOT OF PEOPLE WHO LIVE WITHIN 250 FEET

FROM THAT PROPERTY, AND THREE OF THE NEIGHBORS SIGNED A PETITION THAT THEY WANT TO RENEGE ON BECAUSE THEY UNDERSTOOD THAT WHEN THEY SIGNED IT, THAT NOTHING WAS GOING TO HAPPEN TO THAT PROPERTY. AND IF IT GETS APPROVED, THEN THE BIG HUGE -- LOT OF APARTMENTS CAN GO IN ON A LGHT TINY PLACE THAT WAS JUST ZONED ODDLY IN A NEIGHBORHOOD THAT'S 85%. THERE'S HOUSES ALL AROUND IT. SO THANK YOU VERY MUCH.

Mayor Wynn: THANK YOU, MARY. AND DO KNOW THAT THERE WILL BE A LOT OF ANALYSIS NOW BETWEEN THIS HEARING TONIGHT AND FINAL ACTION ON ALL THESE TRACTS. THANK YOU. COUNCIL, WITH THAT LET'S TAKE UP ITEM NUMBER 48. ITEM NUMBER 48, WHICH IS POTENTIALLY TO APPROVE THE MEET AND CONFER CONTRACT WITH THE AUSTIN POLICE ASSOCIATION FOR AUSTIN POLICE OFFICERS. AND FOLKS, I KNOW WE HAVE 37 PEOPLE WHO HAVE SIGNED UP WISHING TO SPEAK. MR. JUAN KABREL IS HERE. JUAN IS ILL. AND WITHOUT OBJECTION, I WOULD LIKE TO ASK MR. KABREL TO GIVE THE FIRST -- BE PREPARED TO GIVE THE FIRST PUBLIC PRESENTATION WHEN WE CALL UP THIS ITEM.

Futrell: AND MAYOR, WHILE JUAN IS STEPPING UP TO THE MICROPHONE, I THINK IN THE INTEREST OF TIME, IT'S VERY LATE, EVERYBODY HAS WAITED A LONG TIME. WE'RE GOING TO HOLD AND NOT DO A STAFF BRIEFING. WE ARE AVAILABLE TO ANSWER QUESTIONS EITHER AT THE COUNCIL REQUEST AT THE END OR AFTER SPEAKERS IF THE COUNCIL DESIRES AND AFTER THAT WE'LL GO DIRECTLY TO SPEAKERS.

Mayor Wynn: AND IF QUESTIONS DO COME UP AS PART OF THE PRESENTATION, THEN STAFF WILL BE ABLE TO ANSWER THOSE AT THE END OF PUBLIC COMMENT. SO WITH THAT, JUAN KABREL, WELCOME, SIR, YOU WILL HAVE THREE MINUTES.

OKAY. AND FIRST I'D LIKE TO APOLOGIZE. I DON'T KNOW MAYBE THE PROTOCOL OR WHATEVER, BUT -- IT WAS MY HEALTH AGAINST PROPERTY AND STUFF, MY HEALTH, AND ME BEING A A CITIZEN OF THE UNITED STATES IS JUST AS

MUCH AS EVERYBODY ELSE'S AND A LOT MORE THAN MANY.

Mayor Wynn: WELCOME, SIR. APOLOGIES EXPECTED.

OKAY. LIKE I SAID, I TALKED TO PEOPLE FROM THE F.B.I., AND THEY MORE OR LESS TELL ME TO WORK WITH THE AUSTIN POLICE MONITOR SYSTEM, WITH SAM KNEE AND THEN I HAD TO HAVE DETECTIVE MURRAY, I GUESS. AND THEN I HAVE A REPORT THERE THAT'S BEEN NOTARIZED, IF YOU WANT TO READ ABOUT IT, YOU CAN READ IT. IT SHOULD BE AT YOUR DISPOSAL SOMEWHERE. AND I'M SURE YOU GUYS WOULD HAVE IT OR YOU WOULD HAVE SEEN IT BY NOW. I CAN'T IMAGINE THAT YOU WOULD NOT HAVE. LIKE I SAID, I'VE TALKED TO -- I'VE TALKED TO YOUR OFFICE A COUPLE OF TIMES. (INDISCERNIBLE) THEY GAVE ME THE RUN AROUND. AND THIS IS -- THIS IS RIDICULOUS, SIR. I MAY BE A MEXICAN-AMERICAN, BUT I'M AN AMERICAN. AND OUR LIVES AS BLACKS, WHATEVER NATIONALITY, WHEN A POLICE SPOT YOU, THEY SHOULD RESPECT YOU. YOU SHOULD ASK THEM. ASK THEM FOR IDENTIFICATION, NOT THEM ASK YOU FOR IDENTIFICATION AND TO QUALIFY YOURSELF AS TO WHAT YOU'RE DOING. THERE ARE VERY SPECIFIC RIGHTS THAT WE HAVE HERE IN THE UNITED STATES. THE FIRST, FOURTH AND FOR THE PROTECTION, NOT OF THE MAJORITY, BUT OF THE MINORITY. AND SINCE WHEN YOU HAVE MORE MINORITIES, WITH ETHNIC BACKGROUNDS, THEY ALWAYS GET RAILROADED IN THE POLICE FORCE BECAUSE THERE ARE MORE WHITE ANGLOS CONTROLLING THE SYSTEM. THAT HAS GOT TO CHANGE. IT SHOULD HAVE CHANGED IN 1964, '65. I STILL SEE THE SAME THING AT MY AGE, AND IT'S A SHAME. I TELL MY GRANDKIDS THAT THEY'VE GOT TO WATCH OUT FOR THE POLICE OR THAT THEY MIGHT DO THIS, ACT RIGHT, DON'T ASK NO QUESTIONS. THIS IS RIDICULOUS. THIS IS REALLY RIDICULOUS. NOW THE CHIEF HERE HAS BEEN -- I'VE SEEN HIM A LOT OF TIMES, AND YEAH, HE'S GOT POLICE ON SIXTH STREET AND HE'S FINE GOING BACK TO THE YOUNG GUYS TAKE MAKING TROUBLE THERE -- [BUZZER SOUNDS], THE MINORITY. I'LL BASH HIM AND HIT HIM AND IF THEY THINK I'M DOING IT BECAUSE I'M A MINORITY, YOU WON'T SEE THAT SOMEWHERE ELSE.

Mayor Wynn: PLEASE CONCLUDE.

THAT'S RIDICULOUS. I HIT HIM AND I HIT HIM AND IT'S SOMETHING TO BE PROUD OF. I DON'T CARE. I'LL PUT A STOP TO THAT.

Mayor Wynn: YOUR TIME HAS EXPIRED. PLEASE CONCLUDE.

WELL, ALL I CAN SAY FOR ME IS THAT I WANT TO STOP WHAT HAPPENED, I WANT TO INVESTIGATE IT, AND I WANT TO SEE WHAT'S GOING TO BE DONE. AND LIKE I SAID, THE REPORT IS THROUGH AND THROUGH THE F.B.I., A REPORT ON THE MONITOR, AND THERE'S A LOT MORE THAN THAT, BUT I'VE BEEN VERY ILL SINCE AND AFTER, AND I'VE TRIED EVERYTHING I CAN TO DO -- (INDISCERNIBLE). AND YOU KNOW WHEN I'M TOGETHER THERE WILL BE RETALIATION AGAINST PEOPLE WHO SPEAK OUT AGAINST THE POLICE.

Mayor Wynn: THANK YOU. IF YOU COULD DO ME A FAVOR AND MAKE SURE MY STAFF IS AWARE OF THE SPECIFIC CASE AND WE WILL --

THERE'S THE REPORT. HE'S GOT THE REPORT. IT'S SIGNED, SEALED AND DELIVERED. [INAUDIBLE - NO MIC].

Mayor Wynn: THANK YOU. NEXT SPEAKER IS JENNIFER GALE. JENNIFER GALE WILL BE FOLLOWED BY SCOTT JOHNSON, WHO WILL BE FOLLOWED BY ANDREW BUCKNELL.

HI, AUSTIN. OUR TREES AND FLOWERS ARE BLOOMING WITH BLOSSOMS FALLING. CITY MANAGER FUTRELL, MAYOR WYNN, COUNCILMEMBER SLUSHER, ALVAREZ, MAYOR GOODMAN, BETTY DUNKERLEY, MCCRACKEN AND OUR OWN FORMER AUSTIN POLICE OFFICER, COUNCILMEMBER DANNY THOMAS. I AM I AM JENNIFER GALE AND I AM AN INDEPENDENT CANDIDATE, MEANING I CAN REPRESENT BOTH DEMOCRATS AND REPUBLICANS FOR THE HOUSE OF REPRESENTATIVES IN THE 10th CONGRESSIONAL DISTRICT. PROBLEMS IN AUSTIN DON'T GET ANY BIGGER THAN THIS. THIS IS A PAYOFF BY THE AUSTIN CITY COUNCIL TO THE MEMBERS OF THE AUSTIN POLICE UNION, MANY OF WHOM DON'T LIVE IN AUSTIN: SO THE POLICE CAN KEEP THE GREATER AUSTIN CHAMBER OF COMMERCE IN CONTROL OF OUR CITY AND OUR CITY COUNCIL. OUR POLICE OFFICERS WERE BECOMING VERY WEALTHY AT OUR EXPENSE. AFTER

FIVE YEARS THEY AVERAGE \$79,000. WHAT IS THE MEDIAN INCOME AFTER OVERTIME AND STARTING SALARY AFTER FIVE YEARS? WHAT WE'RE TALKING ABOUT IS THE DEPTH OF OUR DEMOCRACY HERE IN AUSTIN, TRAVIS COUNTY, AND CENTRAL TEXAS. THE REASON PEOPLE DON'T VOTE IS THAT THEY KNOW WITH THE UNN ON'S ENDORSEMENT IN MONEY THE VOTER IN AUSTIN IS TAKEN OUT OF THE EQUATION. ALSO THE POLICE UNION HAS NEVER INTERVIEWED ME AS AN CITY COUNCIL CANDIDATE. THEY DON'T CARE. WITH THIS PAYCHECK, OUR CHANCES TO DETERMINE OUR DESTINY IS GONE. KLBJ SERGEANT SAM TALKS ABOUT HOW THE OFFICERS DON'T DO THEIR JOB. THROUGH THE CITY TRAFFIC LAWS ARE BEING BROKEN IN FRONT OF OFFICERS. I KNOW THEY DON'T DO THEIR JOB. WHERE ARE OUR POLICE? WHERE IS CHIEF KNEE'S HUMANITY? FOR YEARS OUR CITY EMPLOYEES HAVE STRUGGLED TO MAKE END MEET, NOW THIS. WHEN IS IT THEIR TURN? MANY OF OUR EMPLOYEES DON'T MAKE THE \$45,000 THAT YOU DO. OUR AUSTIN POLICE OFFICERS CONTINUE TO VIOLATE OUR CONSTITUTIONAL RIGHTS TO HARASS THE POOR AND TO INTIMIDATE ALL THOSE WHO DON'T KNOW THE LAW. AND THEY'RE GOING TO BE ABLE TO CONTINUE TO INTIMIDATE THOSE WHO HAVE MADE COMPLAINTS AGAINST THEM. THAT IS INSANE. WHEN ARE WE GOING TO GET AN EID? DOWNTOWN IS ONE OFFICER TO TAKE A NOTARIZED WRITTEN COMPLAINT, AND THAT -- AND THEN WE'LL HAVE ONE COMPLAINT. JUST WHY DON'T WE HAVE AN IED IN AUSTIN. WE NEED A CITIZENS POLICE REVIEW BOARD. WE DON'T HAVE ONE. WE DON'T HAVE A CITIZENS POLICE MONITOR. THE POLICE DEPARTMENT DOESN'T HAVE ANYTHING TO WORRY ABOUT UNLESS THE CITY MANAGER ACTS. I WANT TO THANK THE 421 UNION MEMBERS THAT VOTED AGAINST THIS CONTRACT. WITH PEOPLE LEAVING AUSTIN BECAUSE OF EX-SCRIEWS EXCRUCIATINGLY HIGH TAXES. IT'S AS IF WE'RE WATCHING SIR WILLIAM WALLACE IN BRAVE HEART YELL IN PAIN AND AGONY, FREEDOM. [BUZZER SOUNDS].

Mayor Wynn: THANK YOU, MS. GALE. SCOTT JOHNSON ACTUALLY SIGNED UP NOT WISHING TO SPEAK, AGAINST. PLEASE DELAY THIS VOTE TO ALLOW FOR MORE DISCUSSION ON THE ENTIRE CITY OF AUSTIN BUDGET AND EQUITABLE FUNDING OF OTHER GENERAL FUND PRIORITIES.

ANDREW BUCKNELL. WELCOME. YOU WILL HAVE THREE MINUTES AND BE FOLLOWED BY DAVID WEINER.

THANK YOU VERY MUCH FOR ALLOWING ME TO SPEAK. I AM ANDREW BUCKNELL. I AM ALSO THE CO-PRESIDENT OF -- I'M THE PRESIDENT OF THE HUSTON-TILLOTSON YOUNG DEMOCRATS COALITION. WE PASSED A RESOLUTION REGARDING CONSENT SEARCHES, CONSENT SEARCH IS WHEN A POLICE OFFICER ASKS IF THEY CAN SEARCH YOUR CAR. THIS IS IN QUOTATIONS BECAUSE OFTEN TIMES THIS QUESTION IS INCLUDED WITH SOME INTIMIDATION. IT TURNS OUT THAT THIS OCCURS 5.3 MORE TIMES TO AFRICAN-AMERICANS, 2.3 MORE TIMES TO LATINOS, AND NINE OUT OF 10 TIMES ACCORDING TO THE CHIEF OF POLICE, NOTHING IS FOUND. BECAUSE OF THE TARGETING OF MINORITIES WITH CONSENT SEARCHES, WE FEEL IT'S A VIOLATION OF THE 14TH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA, WHICH IS SUPPOSED TO GUARANTEE EQUAL PROTECTION. WE GOT THIS RESOLUTION AND WE ASKED PEOPLE TO SIGN SIGNATURES OF SUPPORT ASKING THE CITY COUNCIL TO PASS AN ORDINANCE TELLING THE POLICE DEPARTMENT THEY CANNOT DO SEARCHES ON THE BASIS OF CONSENT, RATHER TO DO SEARCHES ON THE BASIS OF PROBABLE CAUSE. FACTS OR CIRCUMSTANCES WHICH WOULD LEAD A REASONABLE, CAUTIOUS AND PRUDENT PERSON TO BELIEVE THAT A CRIME HAS BEEN COMMITTED, THAT A PARTICULAR PERSON HAS COMMITTED IT, OR SEIZABLE ITEMS WILL BE FOUND IN A PARTICULAR PLACE. WE GOT 652 SIGNATURES. I ASKED 667 PEOPLE TO SIGN. THE 15 THAT DIDN'T SIGN, THREE OF THEM -- TWO OF THEM WERE POLICE OFFICERS, ONE SAID THAT BLACK PEOPLE SHOULD BE SEARCHED MORE BECAUSE THEY COMMIT MORE CRIMES, AND THE OTHER ONES JUST NEEDED MORE INFORMATION. SO I WANT TO ASK YOU TONIGHT, COUNCILMEMBERS, WILL YOU PLEASE SIGN THIS RESOLUTION?

Mayor Wynn: THANK YOU. DAVID WEINER.

AND I THINK MY WIFE GAVE ME HER MINUTES.

Mayor Wynn: LET'S SEE. IS SHULA WEINER HERE? HELLO

MA'AM. YOU WILL HAVE SIX MINUTES, DAVID.

ENSURING THAT A COMPLEX ORGANIZATION SUCH AS A POLICE FORCE, CAN BE HELD FULLY ACCOUNTABLE FOR ITS FUNCTIONING IS AN EXTREMELY DIFFICULT MANAGEMENT TASK. UNFORTUNATELY, IT IS YOUR TASK, NOT THE POLICE UNION'S TASK, NOT THE TASK OF ANY PARTICULAR INTEREST GROUP IN THE COMMUNITY. AS A SOCIOLOGIST I'VE WORKED WITH MANY POLICE OFFICERS DURING THE LAST 30-PLUS YEARS. ALL ARE AWARE THAT SPECIAL BRZ IN THE COMMUNITY, IN PARTICULAR WEALTHY INTERESTS, HAVE A GREAT IMPACT ON HOW THEY FUNCTION. ARE THEY REALLY REQUIRED TO REDUCE CRIME IN POOR NEIGHBORHOODS? FOR EXAMPLE, OR MERELY TO KEEP IT LOCALIZED? WHAT IS THEIR ROLE IN GENTRIFICATION? WHEN YOU DESIGN AN IMPLEMENT REAL ACCOUNTABILITY, NOT WHAT EXISTS IN THIS CONTRACT, YOU WILL HELP THE ENTIRE COMMUNITY. THE WEALTHIEST PART TO LIVE UP TO ITS BASIC VALUES OF JUSTICE AND DECENCY, THE POOREST TO ESCAPE VICTIMIZATION. AND YOU HELP THE POLICE OFFICER ON THE JOB TO DO THE JOB HE'S SUPPOSED TO DO. FOR EXAMPLE, THE PROPOSED CONTRACT REDUCES THE RISK AN OFFICER FACES IF HE SHOULD RETALIATE AGAINST THE CITIZEN WHO HAS ACCUSED HIM OF ABUSE. WITH THIS DECISION TO REWRITE THIS PROVISION, THE RESULT OF CAREFUL STUDY BY INDEPENDENT PROFESSIONALS? IF SO, THIS MUST BE MADE APPARENT TO THE CITIZENRY AND ESPECIALLY TO POLICE OFFICERS, OTHERWISE I CAN ASSURE YOU FROM MY OWN PROFESSIONAL EXPERIENCE THAT THEY WILL INTERPRET THIS TO MEAN THAT THE CITY COUNCIL SUPPORTS SPECIAL INTERESTS, BUT DO NOT WANT ALL CITIZENS TO RECEIVE EQUAL AND FAIR TREATMENT. INTIMIDATING CERTAIN PEOPLE, IT IS NOT HARD TO IMAGINE WHICH PEOPLE, WILL BE UNDERSTOOD BY POLICE TO BE EVEN MORE ALLOWED THAN IN THE PAST. THE SAME APPLIES CONCERNING THE PROVISION THAT STATES THE OFFICER HAS A RIGHT TO POSSESS A WRITTEN COPY OF ANY DOCUMENT THAT SETS FORTH ALLEGATIONS OR FACTS THAT MAY FORM THE BASIS OF FUTURE ALLEGATIONS OF MISCONDUCT AGAINST AN OFFICER AND WHICH SERVES AS THE BASE FOR INITIATING AN INVESTIGATION. WITHOUT A FULL UNDERSTANDING OF

HOW THIS PROVISION SERVES JUSTICE, POLICE OFFICERS WILL ASSUME THAT IT IS NOT INTENDED TO. AND THAT THIS DECISION WAS YOURS.

Mayor Wynn: THANK YOU, SIR. MR. JEFF JACK. WHO WILL BE FOLLOWED BY CLINT SMITH. WELCOME, JEFF, YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR AND COUNCIL. I'M JEFF JACK AND I'M SPEAKING ON BEHALF OF THE AUSTIN NEIGHBORHOODS COUNCIL TONIGHT. THE AUSTIN NEIGHBORHOODS COUNCIL RECOGNIZES THE IMPORTANCE OF PUBLIC SAFETY TO OUR NEIGHBORHOODS AND SINCERELY APPRECIATES THE SERVICE THAT OUR POLICE OFFICERS PROVIDE OUR COMMUNITY. WE ARE VERY MINDFUL OF THE DANGERS, THE RISKS AND LONG HOURS AND DIFFICULT NATURE OF POLICE WORK. THEREFORE WE SUPPORT THE AUSTIN POLICE DEPARTMENT'S COMMUNITY POLICING EFFORTS AND WE ENCOURAGE ALL OF OUR MEMBERS TO WORK WITH THE POLICE DEPARTMENT, AND I APPRECIATE THOSE LOCAL OFFICERS AND DR'S THAT WORK WITH OUR NEIGHBORHOODS. WITH REGARD TO THE PROPOSED POLICE CONTRACT, HOWEVER, WE HAVE SOME SERIOUS CONCERNS. WE ARE CONCERNED THAT THE POLICE MONITOR'S ABILITY TO PROVIDE SUFFICIENT COMMUNITY OVERSIGHT IS COMPROMISED BY THE CHANGES IN THIS CONTRACT. WE FEEL LIKE YOU'VE HEARD JUST PREVIOUSLY THAT THERE ARE ITEMS THAT HAVE BEEN CHANGED IN THIS CONTRACT THAT WEIGH HEAVILY IN THE FAVOR OF THE POLICE DEPARTMENT AND NOT IN THE COMMUNITY'S BEST INTEREST. WE'RE ALSO CONCERNED THAT THIS CONTRACT FOLLOWS SUIT WITH REGARD TO THE ISSUE OF MINORITY OFFICERS. WE'RE CONCERNED THAT THE INTENT OF HIRING MORE MINORITY OFFICERS IS NOT CURRENTLY BEING MET AND THAT THIS CONTRACT DOES NOT ENSURE ADDITIONAL HIRINGS THAT MORE CLOSELY REFLECT THE DIVERSITY IN OUR COMMUNITY. LASTLY, WE ARE CONCERNED THAT THE COST OF THIS CONTRACT WILL ADVERSELY IMPACT OTHER NEEDS OF THE COMMUNITY. WE RECOGNIZE THAT THE RIGHT OF THE AUSTIN POLICE ASSOCIATION TO ASK FOR THIS INCREASED FUNDING AND DO NOT FAULT THEM FOR TAKING SUCH A POSITION. YOU KNOW, AS AN ARCHITECT I OFTEN ASK A CLIENT FOR A BIG FEE, BUT IT DOESN'T

NECESSARILY MEAN THE CLIENT GRANTS IT. HOWEVER, IT IS THE RESPONSIBILITY OF THIS COUNCIL TO RESPOND TO ALL OF OUR COMMUNITY'S NEEDS. WITH SUCH A LARGE PROPORTION OF THE PROJECTED BUDGET ALLOCATED TO THIS CONTRACT, WHERE WOULD THE MONEY COME FROM FOR OTHER COMMUNITY PRIORITIES SUCH AS HEALTH AND HUMAN SERVICES, LIBRARIES, PARKS, ENVIRONMENTAL PROTECTION AND CODE ENFORCEMENT. ALL OF WHICH ARE JUST AS IMPORTANT TO VIABLE NEIGHBORHOODS AS PUBLIC SAFETY. BY COMMITTING NOW TO THIS CONTRACT ARE WE BETTING ON A STRONG ECONOMIC RECOVERY OR ARE WE LOOKING AT FURTHER REDUCTION IN IMPORTANT COMMUNITY SERVICES? THIS CONTRACT IS MUCH TOO RISKY FOR OUR CITY AND WE STRONGLY URGE THAT COUNCIL 38 APPROVING THE CONTRACT UNTIL THE FULL BUDGET CAN BE CONSIDERED THROUGH THE NORMAL BUDGET PROCESS. IT SHOULD BE A BIG RED FLAG FOR THIS CITY COUNCIL THAT WHEN THE "AUSTIN AMERICAN-STATESMAN"'S EDITORIAL BOARD AND THE AUSTIN NEIGHBORHOOD COUNCIL AGREE THAT THE CONTRACT SHOULD NOT GO FORWARD, WE NEED TO PAY ATTENTION TO THIS AND WE PROBABLY NEED TO RECONSIDER MOVING WITH THE CONTRACT TODAY. [APPLAUSE]

Mayor Wynn: LYNDON PHELPS SIGNED UP NOT WISHING TO SPEAK, WANTING TO DONATE TIME TO NELSON LENDER. I'LL HOLD THIS CARD IN THE MEANTIME. NEXT SPEAKER IS MR. CLINT SMITH. WELCOME, SIR, YOU WILL HAVE THREE MINUTES.

THANK YOU, MAYOR, MAYOR PRO TEM, COUNCILMEMBERS, CITY MANAGER. I'M CLINT SMITH. I AM AN INDEPENDENT MEMBER OF YOUR HOMELAND SECURITY TASKFORCE, THE PUBLIC SAFETY TASKFORCE. AND I ECHO THE COMMENTS BY MR. JACK THERE IN THAT I'D LIKE TO ASK THAT YOU CONSIDER THIS CONTRACT WITHIN THE SCOPE OF THE ENTIRE BUDGET PROCESS. AND I SAY THAT BECAUSE I HAD THE OPPORTUNITY OF COURSE IN '02 AND UNDER THE LEADERSHIP OF COUNCILMEMBER THOMAS TO WORK ON THE PUBLIC SAFETY TASKFORCE WITH A NUMBER OF OFFICERS WHO ARE HERE, THE FIREMEN, THE E.M.S. PERSONNEL AND SO ON. AND WE MADE A REVIEW ACROSS THE BOARD OF CITY OF AUSTIN PROGRAMS, PUBLIC SAFETY,

THE HUMAN SERVICES AND SO FORTH. AND I'VE GOT JUST A COUPLE OF OBSERVATIONS AND THEN A RECOMMENDATION. THESE OBSERVATIONS ARE BASED LARGELY ON THAT REVIEW IN '02. IT WAS A REVIEW AND REPORT. AND BASICALLY THE FEELING WAS, AT LEAST ON MY PART, AND I GATHER CONCLUSIONS FROM OTHERS TOO, THAT WHILE WE LOOKED AT PUBLIC SAFETY OVERALL, I FELT CERTAINLY THAT THE HUMAN SERVICES SIDE WAS SOMEWHAT SHORTCHANGED. AND PART OF MY FEELING AT THAT TIME WAS THAT WE OUGHT TO AT LEAST HAVE AN ANNUAL REVIEW OF THE BUDGET ASSUMPTIONS AND PROJECTIONS WE MADE AT THAT TIME. QUITE FRANKLY, IF I WERE BACK AT THE OFFICE OF MANAGEMENT AND BUDGET AS AN AUDITOR OR BUDGET REVIEWER, I WOULD BE VERY, VERY CAREFUL PERSONALLY ABOUT RECOMMENDING THAT YOU MOVE FORWARD ON BASING ANY KIND OF CONTRACT TO OBLIGATION, ESPECIALLY LABOR MANAGEMENT KIND OF ISSUE, ON THE KIND OF DATA THAT YOU HAVE. AGAIN, MY FEELING IS THAT MAYBE WE HAVE SOME ISSUES HERE OF A POSSIBLE IMBALANCE, AND THAT THESE ARE BASED ON INCOMPLETE DATA AND POSSIBLY RESULTING IN MISPLACED PRIORITIES, PARTICULARLY WHEN IT COMES TO HUMAN SERVICES. I WOULD SAY THAT IT WOULD BE MY FEELING BEFORE YOU DECIDE ON PROJECTION OF ALLOCATIONS OF BUDGET -- THESE BUDGET MATTERS THAT YOU WOULD WANT TO TAKE A LOOK AGAIN AT THESE RECOMMENDATIONS THAT WE MADE. THEY WERE MADE IN AUGUST. AS I RECALL, CHAIRMAN THOMAS, AS YOU WERE AT THAT TIME, WE BEGAN IN MARCH. AND IN AUGUST WE MADE FINAL RECOMMENDATIONS TO THE MAYOR AND COUNCIL. I DON'T KNOW THAT THERE'S BEEN ANY UPDATE SINCE THEN. IT WOULD SEEM TO ME YOU WOULD WANT TO TAKE A LOOK AT THOSE. THE OTHER REPORT I'D MENTION IS THE ONE THAT WAS DONE AND REPORTED TO THE COUNCIL IN AUGUST OF 2001. THAT WAS THE EQUITY COMMISSION REPORT. AND WHEN I'VE COME BEFORE COUNCIL BEFORE I MENTION THIS -- BECAUSE AGAIN, THIS SEEMED TO US WHO WERE INVOLVED IN IT A KIND OF ROAD MAP IN TERMS OF A PLAN, AND IT WAS BASED ON ANY NUMBER OF MEETINGS IN THE COMMUNITY. AND THIS INVOLVED HOUSING, TRANSPORTATION, EDUCATION, ANY NUMBER OF AREAS WHICH WE FEEL YOU WOULD WANT TO TAKE A LOOK AT. [

BUZZER SOUNDS] FINAL ANALYSIS, AND I'LL WRAP IT UP, I WOULD LIKE TO REQUEST AS A MEMBER OF YOUR PUBLIC SAFETY PANEL, THAT YOU STEP BACK AND TAKE A LOOK AND BEFORE YOU MAKE A DECISION ON THIS CONTRACT THAT YOU TAKE A LOOK AT THE BUDGET ALLOCATIONS AND PROJECTIONS FROM BOATS THESE REPORTS. THANK YOU.

Mayor Wynn: THANK YOU. RETIRED A.P.D. CAPTAIN ALLOW WE WHITE SIGNED UP NOT WISHING TO SPEAK, REPRESENTING THE NAACP IN FAVOR OF THIS ITEM. MICHAEL SUPANEK. WELCOME, SIR. AND IS THERESA GOREMAN HERE? THERESA WANTED TO DONATE -- YES. THREE MORE MINUTES TO YOU, PROFESSOR. YOU WILL HAVE THREE MINUTE -- SIX MINUTES IF NEEDED.

GREAT. I THOUGHT I HAD FLEE THREE HOURS. THAT SEEMS EQUITABLE. THANK YOU, COUNCILMEMBERS, MAYOR, CITY MANAGER AND EVERYONE ELSE GATHERED HERE THIS EVENING. MY NAME IS MICHAEL SUPANEK. I'M HERE TODAY TO SPEAK ABOUT THE CONTRACT BEFORE US AND ALSO ABOUT ITS (INDISCERNIBLE). IF YOU REMEMBER, WE WERE HERE PROBABLY ALMOST THREE AND A HALF, FOUR, FIVE YEARS AGO, DELIBERATING, DISCUSSING AND ARGUING ABOUT THE SAME THING. I'M NOT HERE THIS EVENING REPRESENTING ANYONE EXCEPT MYSELF. I'M SERIOUSLY DISAPPOINTED THAT WE ARE BACK HERE AT SQUARE ONE. IF YOU LOOK AT THE CONTRACT THAT IS NOW BEING PROPOSED, IT IS MY FEELING THAT THE INDEPENDENT NATURE OR AT LEAST THE QUASI INDEPENDENT NATURE OF THE CITIZEN OVERSIGHT PROCESS THAT WAS CRAFTED BY THE FOCUS GROUP FOR 18 MONTHS, MANY OF WHICH MANY OFFICERS HERE THIS EVENING WERE PART OF THAT PROCESS, IS SERIOUSLY UNDERMIND BY THE CURRENT CONTRACT. SOME OF THE ISSUES THAT HAVE BEEN DISCUSSED BY OTHER SPEAKERS ALREADY HAVE PINPOINTED I THINK SOME OF THE CONCERNS THAT ARE CONCERNS NOT ONLY BY THE CONSTITUENTS OF YOURS DPEARDED HERE THIS EVENING, -- GATHERED HERE THIS EVENING, BUT THEY ARE CONCERNS THAT WERE VOICED AT THE VERY BEGINNING OF DRAFTING THE OVERSIGHT PROGRAM. IT SEEMS TO ME THAT OUR CONCERN THIS EVENING IS WITH A NUMBER OF ISSUES. AND I'D LIKE TO SIMPLY STATE SOME OF THOSE ISSUES IN SIMPLE TERMS.

ONE, FOR ME THIS CONTRACT IS LACKING THE IMPORTANT INTEGRITY ON AN ETHICAL AND PROFESSIONAL LEVEL THAT I THINK AN OVERSIGHT SYSTEM REQUIRES BY DEFAULT. SECONDLY, THE PROCESS THAT IS BEING SUBJECTED AND ALSO SUGGESTED HERE THIS EVENING BY THOSE WHO HAVE BEEN MEETING -- AND I DO RESPECT AND APPLAUD THE EFFORTS OF BOTH THE CITY MANAGER'S OFFICE AND THE AUSTIN POLICE ASSOCIATION, TO THINK ENOUGH OF THE COMMUNITY OF AUSTIN AND THEMSELVES TO ACTUALLY TRY TO IMPROVE THE CONTRACT. I QUESTION WHETHER THAT CONTRACT FROM LAST PERIOD HAS BEEN IN FACT IMPROVED. I THINK THAT THE CONTRACT OVERALL HAS BEEN DESIMILARATED, AND DECIMATED, AND PARTICULARLY AS PUBLIC ACCOUNTABILITY. IF WE'RE CONCERNED ABOUT PUBLIC ACCOUNTABILITY, I THINK THAT SUGGESTING AND PERHAPS MOVING SOME OF THE ADMINISTRATIVE LANGUAGE THAT WAS IN THE PREVIOUS CONTRACT OUTLINING THE STEPS AND THE PRIORITIES AND ALSO THE AUTHORITY OF THE OVERSIGHT PROGRAM, WHETHER IT INVOLVES A CIVILIAN REVIEW BOARD OR THE POLICE MONITOR, AND NOW PLACING THEM UNDER THE STANDARD OPERATING PROCEDURES OF THE DEPARTMENT, IS HIGHLY IMPROPER. AND IT ONLY SETS UP A POSSIBLE LIMITATIONS ON THE ABILITY OF NOT ONLY THE OVERSIGHT PROGRAM TO OPERATE, BUT THE MONITOR'S OFFICE TO DO THEIR DUTY AND RESPONSIBILITY TO CITIZENS OF AUSTIN AS WELL. THIRD, I THINK THE PROPOSED CONTRACT IS WHOLLY NON-TRANSPARENT. AND I THINK THE TRANSPARENCY OF ANY OVERSIGHT SYSTEM DEFINES ITS INHERENT INTEGRITY. AND THAT INTEGRITY HAS BEEN LOST BY THE MOVEMENT OF RECENT -- OF CRAFTING A VERY DIFFERENT ANIMAL IN KIND THAN WE PROPOSED MANY YEARS AGO, NOW ALMOST FOUR YEARS HAVE PASSED, PROBABLY FIVE. I THINK SOME OF THE ISSUES IN TERMS OF THE COST OF THIS CONTRACT ALSO NEED TO BE ADDRESSED. AND THAT COST I THINK HAS BEEN HIGHLY TOUTED AS PERHAPS AN IMPROPER COST. WE'RE TALKING ABOUT MONEY THAT TAXPAYERS LIKE MYSELF, LIKE EVERYONE IN THIS ROOM, INCLUDING THE AUSTIN POLICE DEPARTMENT OFFICIALS. IT'S NOT THE COUNCIL'S MONEY, IT'S NOT THE APA'S MONEY, IT'S OUR MONEY. AND WE EXPECT ETHICAL AND RESPONSIBLE AND PROFESSIONAL

CONDUCT ON THE PART OF THE COUNCIL TO SPEND THAT MONEYWISELY. HERE WE HAVE A CITY THAT IS OPERATING IN A DEFICIT. AT A-MILLION-DOLLAR DEFICIT, SEVERAL HUNDRED-MILLION-DOLLAR DEFICIT. AND WE'RE NOW PROPOSING A PROCESS THAT'S GOING TO COST ANYWHERE FROM 35 TO 44 TO WHO KNOWS HOW MANY MILLION DOLLARS. HOW CAN WE -- WITH ANY TYPE OF PRINCIPAL INTEGRITY, SUPPORT A CONTRACT WITH ANY AGENCY THAT REQUIRES THE CITY TO PAY MONEY THAT THE CITY DOES NOT HAVE. WE PAY 85 CENTS OF EVERY DOLLAR TOWARDS PUBLIC SAFETY. I'M NOT AGAINST PUBLIC SAFETY. I'M NOT AGAINST PAYING OFFICERS WITH THEIR RESPONSIBILITY IS WORTH. I'M NOT QUESTIONING THE WORDS OF THE RESPONSIBILITY OF THE AUSTIN POLICE DEPARTMENT OR ITS OFFICERS. BUT WHEN WE HAVE ACCORDING TO THE COMMUNITY ACTION NETWORK POVERTY LEVELS FOR INDIVIDUALS AT AROUND \$9,000, 100% POVERTY LEVEL, AND \$18,000 AS DEMONSTRATING OR INDICATING THE POVERTY LEVEL AT 18% OF A FAMILY OF FOUR, I QUESTION WHETHER OR NOT IT'S MORE IMPORTANT TO LOOK AT HEALTH AND HUMAN SERVICES ISSUES IN TERMS OF HEALTH CARE COSTS OF THE COMMUNITY AT LARGE, THE CITIZENS THAT ARE HERE BEFORE YOU TODAY, THAN PAYING PUBLIC SAFETY AT THE DEMAND AND AT THE WHIM OF OFFICIALS -- [BUZZER SOUNDS] -- THAT PERHAPS NEED TO ADDRESS BUDGETARY CONSTRAINT AS WELL. JUST LET ME SUM UP. I THINK THE OVERSIGHT PROGRAM IS IMPORTANT, BUT I CAN'T TELL IT'S IMPORTANT FROM WHAT'S GOING ON IN TERMS OF THE CONTRACT AS IT STANDS NOW. PUBLIC SAFETY IS NOT THE ONLY PRIORITY. WE NEED TO ADDRESS EQUALLY IMPORTANT PRIORITIES TO CREATE A VERY WORKABLE PROGRAM AND ONE THAT CAN BE SUPPORTED BY THE COMMUNITY AT LARGE. AND I EXPECT MORE OF THIS COUNCIL THAN THE COUNCIL DEMONSTRATES TO ME IN THE PAST FIVE YEARS. THANK YOU.

Mayor Wynn: THANK YOU. AUSTIN DELUNIG. WHO WILLING FOLLOWED BY CHARLOTTE FLYNN, WHO WILL BE FOLLOWED BY PAM WADE. WELCOME, SIR. YOU WILL HAVE THREE MINUTES.

THANK YOU. I'M ADVISE CHAIR OF THE CITY OF AUSTIN

HUMAN RIGHTS COMMISSION. I'D LIKE TO START OFF BY SAYING AS A CITIZEN THERE'S NO HARM DONE IN DELAYING THIS CONTRACT. I THINK IT WOULDING THE MOST REASONABLE AND PRUDENT THING TO DO. THIS CONTRACT IN THE PAST WILL COMPRISE -- CONTINUE TO COMPRISE ABOUT 60% OF THE TOTAL BUDGET. TO TAKE THE MONIES IN THAT CONTRACT, 60% OF THE BUDGET, AND CONSIDER IT OUT OF CONTEXT FROM THE REST OF THE BUDGET, JUST SEEMS -- IS UN' FEASIBLE AND UNREASONABLE. I THINK THAT SUGGESTION IS -- MOST PEOPLE WOULD FIND IT IMPRACTICAL TO TAKE 60% OF THE BUDGET AND CONSIDER IT APART FROM THE CONTEXT OF THE REST OF THE BUDGET. THE LAST CONTRACT THAT'S ALREADY CAUSED PROPERTY TAX INCREASES, FIVE PERCENT REDUCTION ACROSS THE BOARD IN HEALTH AND HUMAN SERVICES, ABOUT WHICH HE WAS JUST SPEAKING. AND THERE'S CERTAINLY NO HARM DONE BY WAITING AND CONSIDERING IT PRUDENTLY IN THE CONTEXT OF THE REST OF THE BUDGET. THERE'S A LOT OF HARM TO BE DONE BY HASTILY PASSING THIS CONTRACT THIS EVENING, WHICH WOULD LOCK US INTO THAT MISAPPROPRIATION OF FUND FOR THE NEXT FIVE YEARS. AS A HUMAN RIGHTS COMMISSIONER, I WOULD JUST LIKE TO SAY THAT MY CONCERN IS WITH DISCRIMINATION, AND OUR BODY IS CHARGED WITH MAKING RECOMMENDATIONS TO THE COUNCIL THAT WILL ELIMINATE DISCRIMINATION. I FIND THAT THE APPROVAL OF THIS CONTRACT THIS EVENING WILL PERPETUATE DISCRIMINATION AGAINST MINORITY. AGAIN THE PROPERTY TAXES, THAT WILL SURELY INCREASE PROPERTY TAXES AT THE EXPENSE OF RACIAL MINORITIES WHO ARE ALREADY BEING DISPLACED FROM THEIR HOMES FOR NOT ABOUT BEING ABLE TO PAY THEIR PROPERTY TAXES. ON THE SECONDHAND, HEALTH AND HUMAN SERVICES IS ALREADY ON THE DECLINE. OF COURSE, PUBLIC HEALTH AND HUMAN SERVICES BEING DISPROPORTIONATELY RELIED ON BY POOR RACIAL MINORITIES. SO NOT ONLY WILL IT AFFECT THEIR ABILITY TO BE HOUSED, BUT ALSO TO BE CARED FOR. ALL THIS TO RAISE THE SALARIES OF LARGE -- LARGELY TO RAISE -- JUST TO LET THEM KNOW THAT A.P.D. WOULD BE PAID UNDER THIS -- THE AVERAGE OFFICER WOULD BE PAID AROUND \$77,600 A YEAR, I FIND THAT TO BE EXCESSIVE IN LIGHT OF THE PROBLEMS THAT WE'RE EXPERIENCING IN

TERMS OF HOUSING AND SOCIAL SERVICES. SO IN SUMMATION, I WOULD JUST LIKE TO SAY THAT THIS CONTRACT, IF APPROVED THIS EVENING, WOULD BASICALLY HAVE THE EFFECT OF TAKING MONEY FROM POOR RACIAL MINORITIES IN THE FORM OF PROPERTY TAXES, AND MEDICAL CARE, AND GIVING THAT MONEY TO A POLICE FORCE, WHOM DESPITE THE EXISTENCE OF A MAJORITY OF GOOD OFFICERS, HAS BEEN ACCUSED REPEATEDLY OF RACIAL PROFILING, DISCRIMINATION, EXCESSIVE FORCE AND HARASSMENT. ON TOP OF THAT, ON TOP OF THAT, WHAT I CAN BE TORE SHAMEFUL IRONY, IT WOULD ALSO IT WOULD ALSO WEAKEN THE CONTRACT WHEREBY THE POLICE FORCE IS MONITORED BY THE POLITIC. SO I ENCOURAGE YOU PLEASE TO EXERCISE PRUDENCE AND DELAY VOTING OF THE CONTRACT UNTIL SEPTEMBER WITH THE REST OF THE BUDGET. THANK YOU.

Mayor Wynn: THANK YOU. CHARLOTTE FLYNN? FOLLOWED BY PAM WADE. AND MS. FLYNN, IT LOOKS LIKE NANCY (INDISCERNIBLE) -- IS SHE HERE? YOU WILL HAVE THREE MINUTES. TAKE YOUR TIME.

COUNCILMEMBERS, MAYOR, I APPRECIATE BEING ABLE TO BE HERE. AND I'M REPRESENTING THE GRAY PANTHERS. AND WE'RE APPEALING TO A SENSE OF COMMUNITY THAT EXISTED IN AUSTIN WHEN I MOVED HERE 30 YEARS AGO. IT'S COMPLETELY GONE. SECONDLY I WOULD LIKE TO PUT OUT A FACT THAT DOESN'T COME THROUGH THE PUBLIC MEDIA, AND THIS IS IT: THE TOP 10% OF OUR NATION CONTROLS 70% OF THE WEALTH. THE MIDDLE CLASS, WHICH HAS GREATLY DECREASED, HAS 40% OF THE WEALTH. AND GUESS WHAT? THE BOTTOM 50% OF THIS COMMUNITY CAN EXIST OR IS ASKED TO EXIST ON 2.8% OF THE WEALTH. WE HAVE A POLICE ORGANIZATION COMING IN WITH A CONTRACT THAT WILL DEFINITELY TAKE AWAY FROM ALL THE SERVICES THAT ARE NEEDED BY THESE PEOPLE ON THE BOTTOM WHO WORK HARD, WORK SEVERAL JOBS, AND THIS IS A FACT. IT WAS PUT TOGETHER BY A GROUP IN THE UNITED STATES CALLED UNITED FOR A FAIR ECONOMY. THEY ARE WEALTHY PEOPLE, LIKE MR. GATES, SENIOR. AND THEY'RE SAYING THAT THE GROWING DISPARITY IN WEALTH IS BAD FOR THE WEALTHY IN ADDITION TO BEING BAD FOR THE REST OF US. AND WE APPEAL, IF 10% CAN PUT THIS

COUNTRY IN THE CONDITION WE'RE IN, WHY CAN'T WE LOOK AT THE BEST MIND IN OUR COUNTRY TO TURN THE SITUATION AROUND? I WILL BE 85 ON SUNDAY. I LIVED THROUGH THE DEPRESSION. I WAS 10 BH WALL STREET -- WHEN WALL STREET FELL. AND BELIEVE ME, I'M FRIGHTENED. IT WAS NOT A PROBLEM TO LIVE THROUGH THE DEPRESSION. BUT IT IS A PROBLEM NOW BECAUSE PEOPLE AREN'T FACING UP TO WHAT'S GOING ON IN THIS COUNTRY. I TOO HAVE HOPE, AND THE HOPE IS THAT ENOUGH OF US WILL SEE WHERE WE ARE, PUT OUR HEADS TOGETHER, AND AS PRESIDENT MADISON SAID WAY BACK, HE SAID, YOU KNOW, OUR COUNTRY'S OKAY, BUT HE SAID I SEE IN THE FUTURE THE WEALTH BEING MONOPOLIZED BY A FEW PEOPLE, AND THEN IT'S UP TO THE BEST MEEND OF THIS -- MIND OF THIS COUNTRY TO DO SOMETHING ABOUT IT AND CHANGE IT. [BUZZER SOUNDS] SO MY CHALLENGE IS ARE WE GOING TO DO SOMETHING ABOUT CHANGING WHERE WE ARE IN THIS COUNTRY. OR WE'RE DONE FOR. THANK YOU.

Mayor Wynn: THANK YOU, MS. FLYNN. [APPLAUSE] PAM -- IS CANDACE WADE HERE? HELLO, CANDACE. YOU'RE DONATING YOUR THREE MINUTES TO PAM, SO PAM, YOU WILL HAVE SIX MINUTES, IF NEEDED. WELCOME.

GOOD EVENING. HI, I'M HERE REPRESENTING THE AUSTIN BRANCH NAACP. I'M ON THE EXECUTIVE COMMITTEE AND I DO CHAIR THE PUBLIC ACTION COMMITTEE. THE AUSTIN NAACP SUPPORTS THE MEET AND CONFER CONTRACT BECAUSE WE FEEL THAT THE POLICE MONITOR'S OFFICE AND THE CIVILIAN OVERALL SIGHT COMMITTEE IS CRUCIAL TO OUR COMMITTEE, AND WE MUST KEEP IS IN PLACE. WE THE NAACP ARE CERTAINLY PLEASED WITH COMMUNITY LEADERS, CARLA IN THIS CASER SON AND DR. STERLING LAND, SERVING ON THAT COMMITTEE. IN ADDITION, WE SUPPORT THE IDEA OF NOT ALLOWING THE THE 180 DAY RULE TO EXPIRE. THIS RULE BY NO MEANS ADDRESSES ALL OF OUR CONCERNS. WE OPPOSE THE IDEA THAT OFFICERS SHOULD BE GRANTED ACCESS TO INFORMATION REGARDING CITIZEN COMPLAINTS. THE NAACP BELIEVES THAT THE CITY OF AUSTIN SHOULD HAVE FOCUSED MORE ON HOLDING POLICE OFFICERS ACCOUNTABLE THAN WHEN THEY VIOLATE THE RIGHTS OF CITIZENS. THIS CONTRACT IS

ONLY A PART OF A MUCH LARGER PROCESS THAT WE INTEND TO UTILIZE TO ENSURE THAT OUR GOALS AND OBJECTIVES ARE IMPLEMENTED AT THE NAACP. WE WILL CONTINUE THE RELENTLESS FIGHT TO JUSTICE, SO THERE WILL BE NO MORE JESSE LEE OWEN OR SOPHIA KING INCIDENTS HERE IN AUSTIN. WE DO SUPPORT, BECAUSE WE DO NOT WANT TO LEAVE THE POLICE MONITOR'S OFFICE OUT THERE AND ALONE, BECAUSE I DO KNOW PERSONALLY WHAT HAPPENED TO ME CERTAINLY YEARS AGO WHEN I DID FILE A COMPLAINT WITH THE POLICE OFFICERS. AND THE POLICE MONITOR'S WAS THE KNOT IN PLACE AND I DON'T WANT THAT TO EVER HAPPEN TO ANYONE HERE IN AUSTIN. AND AGAIN, WE DO SUPPORT THE MONITOR'S OFFICE AND NELSON COULD NOT BE HERE TONIGHT. THIS MAY HAVE BEEN DONE BECAUSE HE WAS NOT ABLE TO BE HERE. HE'S AT OUR NAACP CONFERENCE. BUT AGAIN, WE DO STAND IN SUPPORT, AND THIS IS FROM OUR PRESIDENT, NELSON LENDER, AS WELL AS OUR EXECUTIVE COMMITTEE, AS WELL AS OUR 900 MEMBERS. THANK YOU.

Mayor Wynn: THANK YOU, MS. WADE. DONALD LA POINT? YOU NEED TO WORK ON YOUR PEN MANSHIP, DONALD. IS KAREN LANGLEY HERE?

I'M GOING TO BE SPEAKING FOR KARENMENT.

ONLY IF SHE'S HERE YOU WOULD BE. AND MICHELLE CLARK. THE RULES, DONALD, ARE --

I'LL WAIT MY TURN.

NO, YOUR CARD IS UP, IT'S YOUR TIME TO SPEAK. THESE FOLKS WERE TRYING TO DONATE TIME TO YOU. AND OUR RULES ARE THAT FOLKS HAVE TO BE PRESENT IN ORDER TO DONATE THEIR TIME. WELCOME. YOU HAVE THREE MINUTES.

THANKS.

Mayor Wynn: ACTUALLY, I SHOULD READ INTO THE RECORD, KAREN LANGLEY SIGNED UP NEUTRAL, REQUESTS TABLE FOR MORE TIME TO CONSIDER. AND MICHELLE CLARK SIGNED UP AGAINST. WELCOME, DONALD.

THANKS. GOOD EVENING, MAYOR, COUNCILMEMBERS, CITY MANAGER. I'M DONALD ZAPO NMENT AND TONIGHT I'M REPRESENTING THE AUSTIN AREA HUMAN SERVICES ORGANIZATION, AN ORGANIZATION REPRESENTING NONPROFIT AGENCIES PROVIDING A VARIETY OF VITAL SERVICES IN OUR COMMUNITY. WE ARE VERY CONCERNED ABOUT PUBLIC SAFETY AS A BIG PICTURE AS WE BELIEVE THAT MANY IMPORTANT FACTORS CRIB TO A COMMUNITY'S WELL-BEING. WE ARE HERE TONIGHT TO ASK YOU THAT YOU POSTPONE MAKING A DECISION ON THIS MEET AND CONFER CONTRACT WITH THE POLICE UNTIL YOU'RE ABLE TO PUT THIS BUDGET LINE ITEM IN PERSPECTIVE WITH THE WHOLE 2005 AND BEYOND BUDGET PICTURE. WE BELIEVE THAT SINCE THE PUBLIC SAFETY BUDGET SCIEWMZ THE LION'S SHARE OF THIS CITY'S RESOURCES, ALL OF THE PROPERTY AND ALMOST ALL OF THE SALES TAX, THAT IT IS ONLY PRUDENT THAT YOU CONSIDER THIS AS PART OF THE NORMAL BUDGET PROCESS. MOVING FORWARD WITH THE POLICE CONTRACT AT THIS EARLY DATE, WE BELIEVE LIMITS YOUR ABILITY TO CRAFT A BUDGET THAT FACTORS IN OTHER IMPORTANT COMMUNITY NEEDS AND PRIERTNS. WE - - PRIORITIES. WE SAY PUT PEOPLE FIRST IN THE BUDGET PRIORITIES. INVESTING IN HEALTHY FAMILIES, PROTECTING THEM FROM DOMESTIC VIOLENCE, ASSISTING WITH BASIC NEEDS, DEALING WITH SUBSTANCE ABUSE, PROTECTING OUR ELDERLY FROM EXPLOITATION AND ABUSE, WORKING WITH LITERACY PROGRAMS AND SPECIAL NEEDS KIDS WILL PROVIDE BETTER OUTCOMES FOR OUR TAX DOLLARS TO CREATE SAFE COMMUNITIES. OUR PRISON POPULATION IS FULL OF EXAMPLES OF UNMET NEEDS. SO TONIGHT WE ARE ASKING YOU TO GIVE EQUAL CONSIDERATION TO ALL OF OUR COMMUNITY NEEDS BY TAKING UP THIS HUGE BUDGETARY LINE ITEM WITHIN THE NORMAL BUDGET PROCESS. DID HE LAYING APPROVAL UNTIL IT CAN BE VIEWED IN THE CONTEXT OF THE WHOLE BUDGET IS ONLY PRUDENT. IT ALSO SEND THE RIGHT MESSAGE. THE "AUSTIN AMERICAN-STATESMAN" EDITORS AND IN-DEPTH REPORTING ON THIS CONTRACT HAVE POINTED OUT A NUMBER OF EXCELLENT ARGUMENTS FOR TAKING MORE TIME AND DELIBERATING THIS CONTRACT. WE ENCOURAGE YOU TO PUT PEOPLE FIRST, NOT LAST AT THE BUDGET TABLE.

THANK YOU FOR YOUR ATTENTION.

Mayor Wynn: THANK YOU, SIR. LY NOR BROWN. -- LENORE BROWN. SHE SIGNED UP NOT WISHING TO SPEAK, IN FAVOR. JONATHAN BROWN, NOT WISHING TO SPEAK, IN FAVOR. SCOTT HENSON? WELCOME, SCOTT. YOU WILL BE FOLLOWED BY PAM THOMPSON. AND IS KEN (INDISCERNIBLE) HERE? WELCOME, SIR. SCOTT, YOU WILL HAVE SIX MINUTES.

THANK YOU, MAYOR, CITY COUNCILMEMBERS. I HAVE TO SAY I COME HERE WITH SAD HEARTS NOT BECAUSE I FEEL LIKE THE SKIDS ARE ALREADY PRETTY WELL GREASED ON THIS THINGS. WE WERE PRETTY MUCH ABLE TO TELL THAT WHEN THE MAJORITY OF YOU ANNOUNCED BEFORE YOU HAD HAD AN OPPORTUNITY TO READ THE CONTRACT THAT YOU INTENDED TO VOTE FOR IT. BE THAT AS IT MAY, I'M HERE TONIGHT TO OFFER MY OBJECTIONS TO THE CONTRACT AND SOME OF THE REASONS WHY I THINK YOU NEED TO RECONSIDER IT. OUR CORE PROBLEM TONIGHT IS THAT THIS CONTRACT IS A RESULT OF EXTREMELY BAD PROCESS. THE BEST INDICATION OF THAT IS THAT THIS IS THE FIRST TIME THAT YOU'VE HAD ANY OPPORTUNITY TO HAVE ANY PUBLIC INPUT ON THAT. THE PROCESS EXISTS IN STATE LAW AND IT EXCLUDES THE PUBLIC IN DISCUSSIONS OF THE PUBLIC INTEREST. BASICALLY TWO SETS OF CITY EMPLOYEES MAKE SECRET DECISIONS ABOUT THE PUBLIC'S REPRESENTATIVES DIRECTLY PARTICIPATING AND THEN YOU'RE HANDED THE RESULT AND TOLD TO VOTE IT UP OR DOWN. THIS IS A TERRIBLE PROCESS. THIS IS WHY THE LEGAL DEBATE OVER WHAT THE CONTRACT MEANS HAS TO HAPPEN IN THIS RIDICULOUS CONTEXT WHERE LAWYERS HAVE THREE MINUTES TO TALK ABOUT IT INSTEAD OF SITTING DOWN AND REALLY HASHING THROUGH WHAT THE ISSUES MEAN. IT'S NO WONDER THAT THE PUBLIC DOESN'T TRUST THE PROCESS OR WE HAVE NOT HAD AN OPPORTUNITY TO HAVE IT EXPLAINED AS WE GO ALONG OR TO HAVE OUR INPUT OR QUESTIONS ANSWERED. AND MOST OF THE QUESTIONS THAT ACLU SUBMITTED WERE NOT ADEQUATELY ANSWERED. AND MS. DELLANO WILL ADDRESS SOME OF THOSE THINGS SOON. BUT THE SECRECY IN THE CONTRACT IS NOT NECESSARY OR APPROPRIATE. THE 1973 LAW UNDER WHICH THE FIREFIGHTERS HAD COLLECTIVE BARGAINING

REQUIRES THAT NEGOTIATIONS OCCUR IN PUBLIC MEETINGS THAT'S MUCH MORE APPROPRIATE. THE PUBLIC HAS AN OPPORTUNITY TO UNDERSTAND WHAT'S GOING ON AS IT HAPPENS, AND IT'S MORE LIKELY TO TRUST THE OUTCOME. THE MEET AND CONFER PROCESS IS TOO CLOSED AND THE CITY COUNCIL HAS GIVEN UP TOO MUCH POLICY MAKING AUTHORITY TO YOUR EMPLOYEES, DIMINISHING ACCOUNTABILITY TO THE PUBLIC FOR EVERY ISSUE IN THE AGREEMENT. YOU CAN'T HELP THE WAY THE STATE LAW IS WRITTEN, BUT YOU CAN DECIDE NOT TO PARTICIPATE OR AT LEAST TO GO BACK IT FOR A BETTER DEAL. THAT IS WHAT YOU SHOULD DECIDE TO DO TONIGHT. SOMEHOW AFTER ALL OF THE DRAMA WITH THE AUSTIN POLICE ASSOCIATION PULLING OUT OF NEGOTIATIONS AND THEN COMING BACK IN AND HAVING THEIR BIG RALLY WHERE THEY AND THEIR FAMILY MEMBERS SHOWED UP, I THINK THAT THE CITY COUNCIL AND THE POLICE UNION HAVE BECOME PARTICULARLY DEFENSIVE ABOUT THIS PROCESS, AND ESPECIALLY ABOUT RECENT PRESS COVERAGE, ESPECIALLY IN THE STATESMAN. SUNDAY'S ARTICLE ABOUT POLICE UNION POWER, THE FORCE SERIES, TODAY'S HE HAD EDITORIAL. I'VE SEEN THESE THINGS PORTRAYED AS SOMEHOW ILL INFORMED OR INAPPROPRIATE ATTACKS THAT BALLY LOOI SOME HIDDEN AGENDA THAT SOMEHOW THE FOLKS MAKING THESE COMMENTS HAVE SOME -- SOMETHING BESIDES THE CHARGES THAT -- SOMETHING BESIDES THE ISSUES THEY'RE BRINGING FORWARD THAT THEY'RE WORRIED ABOUT. THAT'S REALLY ABSURD AND I THINK Y'ALL REALLY NEED TO COME TO GRIPS WITH THE FACT THAT THE CRITICISMS THAT HAVE BEEN RAISED IN THE MEDIA ARE -- REFLECT WIDELY HELD PUBLIC OPINION. AND THESE ARE NOT -- WHEN THE STATESMAN SAYS THAT THE POLICE UNION HAS TOO MUCH AUTHORITY IN CITY POLITICS, TOO MUCH INFLUENCE IN CITY POLITICS, THE NEWSPAPER IS NOT BREAKING NEW GROUND THERE. THEY ARE -- THAT IS A REFLECTION OF THE VIEWS OF THE WIDE SWATH OF THE PUBLIC. AND I THINK THAT IT IS A MISTAKE TO PRETEND THAT THAT IS SIMPLY ERRONEOUS, THAT PERCEPTION IS BASED ON QUITE A LONG HISTORY. NO ONE LIKES IT WHEN THEY'RE CRITICIZED, BUT THE SAD FACT IS THE CITY COUNCIL HAS AN DA INDICATED ITS RESPONSIBILITY AND HIDING BEHIND CITY STAFF TO

DEFLECT ANY CRITICISM. WHILE EVERY ELECTION CYCLE THEY ARE LAVISHED WITH SOFT MONEY FROM OFTEN SHADY SOURCES. WHATEVER IS REALLY THE CASE, THERE'S NO DENYING THERE'S AN APPEARANCE OF CONFLICT OF INTEREST, ESPECIALLY WHEN THE POLICE PACK SKIRTED LOCAL ELECTION LAWS TO FINANCE OUR CAMPAIGN. SO NO WONDER A FRUSTRATED MEDIA AND PUBLIC ARE DEMANDING ANSWERS. ONE OF MY FAVORITE QUOTES COMES FROM CHARLES BODELAR, AND I THINK IT'S APPEAR PREPOSITIVE HERE REGARDING MEDIA CRITICISM. HE SAYS IF WHEN A MAN HAS FALLEN INTO HABITS OF LAZINESS AND SLOTH, LEAVING OFF HIS MOST IMPORTANT DUTIES UNTIL TOMORROW, ANOTHER MAN WERE TO AWAKEN AND ONE FIND MORNING WITH THE HEAVY BLOWS OF A WHIP AND WERE TO BEAT HIM UNTIL HE WHO WOULD NOT WORK FOR PLEASURE, NOW WORKED FOR FEAR, WOULD NOT THAT MAN INDEED BE HIS BENEFACTOR AND TRUEST FRIEND? THERE'S LITTLE QUESTION THAT ON THE ISSUE OF POLICE ACCOUNTABILITY, THE CITY COUNCIL HAS PUT OFF ITS MOST IMPORTANT DUTIES CONTINUALLY UNTIL TOMORROW. I FIRST GOT INVOLVED IN THIS ISSUE IN 1995 RIGHT AFTER THE CEDAR AVENUE INCIDENT THAT OCCURRED WITH SOME FAMILY FRIENDS IN MY NEIGHBORHOOD. AT TRIAL CITY ATTORNEY'S USED VICIOUS THINGS TO -- ONLY TO HAVE IT OVERTURNED, ALLOWING THE JURY MEMBERS TO CONVICT THE JUNGLE BUNNIES. ONLY THEN DID THE CITY COUNCIL DECIDE TO SETTLE AND THIS EVEN THEN THE SETTLEMENT TERMS HAD NO ACCOUNTABILITY IMPROVEMENTS. THE PUBLIC WAS LEFT WAITING. ONE OF THOSE THINGS THAT YOU SAID YOU WOULD DO IN THE SETTLEMENT WAS HIRE A CONSULTANT TO LOOK AT WHAT WAS WRONG WITH THE DEPARTMENT. YOU DID. YOU HIRED A CONSULTANT NAMED AW DEAN IN 1999. HE RELEASED A STATEMENT INCLUDED THIS FINDING. OFFICER DISCIPLINE AT APD IS VIEWED INTERNALLY AND EXTERNALLY. IT IS WEAK AND INEFFECTIVE. [BUZZER SOUNDS].

Mayor Wynn: PLEASE CONCLUDE.

YOU BET. POLLING --

[INAUDIBLE - NO MIC].

Mayor Wynn: HAVE YOU SIGNED A CARD, MA'AM? WHAT'S YOUR NAME?

[INAUDIBLE - NO MIC].

Mayor Wynn: PAT? ALL RIGHT. YOU WILL HAVE THREE MORE MINUTES.

I APPRECIATE IT. WE'RE NEARLY THERE. IN 2000 THE L.B.J. SCHOOL DID A POLL, FINDING THAT MORE THAN TWO-THIRDS OF RESPONDENT'S FIND THAT A.P.D. DOES NOT TREAT ALL ETHNIC GROUPS EQUALLY. A MAJORITY SUPPORTED THE SEPARATION OF CIVILIAN REVIEWREVIEW BOARD. YET THE FOLLOWING YEAR WHEN THE POLICE OVERSIGHT FOCUS GROUP RECOMMENDATIONS WERE BROUGHT FORWARD AT THE SECOND MEET AND CONFER CONTRACT, THE PUBLIC WAS REBUFFED, THE PROCESS, AS HE DESCRIBED, WAS COMPLETELY GUTTED, AND WHAT WAS LEFT BASICALLY INCLUDED ONE OF THE NUMTIONS THAT ANY COMMUNITY GROUP HAD EVER BROUGHT FORWARD TO THIS BODY. SO AGAIN THE PUBLIC -- AGAIN, IT WAS REBUFFED. AGAIN THE PUBLIC IS WAITING AND WONDERING, YOU KNOW, WHEN ARE YOU GOING TO -- WHEN ARE YOU GOING TO TAKE UP THIS ISSUE? WHEN ARE YOU REALLY GOING TO DO SOMETHING ABOUT THIS? THE FOLLOWING YEAR THE PUBLIC DEMAND IMPROVEMENTS ON THE POLICE CHARTER AND ONE PROVISION ACTUALLY GOT THREE CITY COUNCIL VOTES, BUT THERE WASN'T ENOUGH TO ACTUALLY IMPROVE EVEN THE MOST MINIMALIST PARTS OF THE SYSTEM. TO ADD INSULT TO INJURE, THE FOLLOWING MONTH AFTER THE CITY COUNCIL REFUSED TO DO THAT, JOHN ASHCROFT ANNOUNCED A CONTEMPT DECREE IN CINCINNATI CREATING A MUCH, MUCH STRONGER CIVILIAN OVERSIGHT SYSTEM THAN WE HAVE HERE IN AUSTIN, SO THE END RESULT IS THAT THE AUSTIN CITY COUNCIL ESSENTIALLY CAME OUT TO THE RIGHT OF JOHN ASH CRAFT ON POLICE OVERSIGHT ISSUES. JUST TO ADD TO THAT, IN 2000, MAYOR GIULIANI IN NEW YORK CITY CREATED A MUCH, MUCH STRONGER CIVILIAN OVERSIGHT SYSTEM THAN WE HAVE HERE. OBVIOUSLY LAST YEAR WAS A VERY BAD TIME. PEOPLE ARE DEMANDING WHAT ARE YOU GOING TO DO ABOUT POLICE OVERSIGHT IN RESPONSE TO THE KILLINGS? THE STATESMAN USED THE FORCE REPORT. IT IS YET ANOTHER

EXAMPLE OF HOW THE POLICE UNION RESPONDS WITH THREATS AND BLUSTER -- BLUSTER TO WHAT WAS REALLY THE FIRST ATTEMPT AT AN ANALYTICAL APPROACH TO USE OF FORCE. WE HEAR ALL THE EMOTIONAL APPROACHES TO THE USE OF FORCE QUESTIONS, THE HE SHE SAID, SHE SAID. THE FIRST TIME SOMEBODY IS ACTUALLY TRYING TO LOOK AT IT FROM AN ANALYTICAL POINT OF VIEW, TO LOOK AT THE DATA, THE FACTS TO SEE WHAT THE REAL ISSUE IS, THE POLICE UNION RESPONDS WITH THREATS AND BLUSTER, AND FRANKLY, BY ALL APPEARANCES, THE CITY COUNCIL HAS SUCCUMBED TO THOSE THREATS. FINALLY I WOULD ADD THAT THE ACLU AND NAACP HELPED PUT OUT A REPORT ON RACIAL PROFILING WHERE WE FOUND THAT BLACK FOLKS WERE 5.3% MORE LIKELY THAN WHITES TO BE THE SUBJECT OF CONSENT SEARCHES WHILE WHITE FOLKS HAVE CONTRABAND FOUND ON THEM AT TWICE THE RATE IN CONSENT SEARCHES. SO WE'RE HAVING ALL THIS EXTRA FOCUS WHERE IT DOESN'T NEED TO BE. [BUZZER SOUNDS] YOU'VE PUT ALL OFF THESE -- YOU'VE PUT OFF YOUR TASKS UNTIL TOMORROW. YOU'VE GOT ALL THESE OPPORTUNITIES AND THE PUBLIC HAS BEEN DEMANDING IT ALL THIS TIME. AND ALL OF THESE INDICATIONS HAVE SAID THAT YOU SHOULD DO SOMETHING ABOUT IT. YOU STILL AREN'T AND IT'S VERY DISAPPOINTING TO ME THAT YOU PASS THIS CONTRACT AND IT WILL BE FIVE MORE YEARS BEFORE YOU HAVE ANOTHER OPPORTUNITY. I HOPE THAT YOU REJECT IT TONIGHT.

Mayor Wynn: THANK YOU. [APPLAUSE]

Mayor Wynn: KAREN AS SCOTT SIGNED UP NOT WISHING TO SPEAK, AGAINST. TOO MUCH MONEY TO DO THIS WITH THE REST OF THE BUDGET. PAM THOMPSON. WELCOME, PAM, YOU WILL HAVE THREE MINUTES AND YOU WILL BE FOLLOWED BY STEPHEN RAY, WHO WILL BE FOLLOWED BY KAREN GUTHRY.

I JUST WANTED TO TALK ABOUT A PERSONAL EXPERIENCE. ON MARCH 20TH OF LAST YEAR WHEN THE WAR WAS DECLARED, I WAS PEPPER SPRAYED ON THE BRIDGE, ON THE CONGRESS AVENUE BRIDGE. AND THE PEOPLE THAT WERE ON THE SIDEWALK WERE PEPPER SPRAYED. AND WE TAPED ALL OF THIS IN CASE ANYBODY REALLY WANTS TO

SEE WHAT HAPPENED. YOU MAY HAVE HEARD THAT THERE WAS VIOLENCE. THERE WAS NO VIOLENCE, NOT AT ALL. THERE WAS NEVER A HAND LIFTED. AGAINST ANYONE EXCEPT THE POLICE. THE POLICE PEPPER SPRAYED US AFTER TELLING US SEVERAL CONFLICTING THINGS ON WHERE TO GO. THEY SAID THE SIDEWALK WAS SAFE AND THEY PEPPER SPRAYED PEOPLE THERE. PEOPLE WHO HAD CANES, PEOPLE WHO WERE NOT ABLE TO GET OUT OF THE WAY. IT WAS UNBELIEVABLE. AND I HAD A CAMERA AND WE SIMPLY WANTED TO DOCUMENT WITH ALL OF THE LOCAL NETWORKS HERE THE PEOPLE BEING ARRESTED. THERE WERE 30 PEOPLE IN THE STREET THAT WANTED TO DO CIVIL DISOWE BEAD YANS AND BE ARRESTED. SO WE WERE BEHIND THEM A SAFE DISTANCE AND WE WERE TAPING THIS. SO THE POLICE HAD A LINE OF POLICEMEN THERE WITH THESE BIG STICKS AND WE WERE BEHIND THEM. THERE WAS NO SHOVING, THERE WAS NO ORDER GIVEN, THERE WAS NOTHING. AND THEN THIS MAN POPPED OUT IN FRONT OF THOSE POLICEMEN AND HE HAD PLENTY OF ROOM TO WALK. THERE WAS NOTHING OBSTRUCTING HIM AND NOBODY WAS TRYING TO PUSH ANYONE OR GET OUT OF THE WAY. AND HE JUST PEPPER SPRAYED US. I MEAN, JUST FULL BLAST. AND NOBODY COULD UNDERSTAND WHAT WAS HAPPENING OR WHY. AND THEY PEPPER SPRAYED THE BIG CAMERAS AS WELL AS OUR SMALLER ONES THAT WE USED. USED TO TAKE PHOTOGRAPHS AND DOCUMENT ON THE INTERNET. AND WE HAD IT TAPED FOR ACAC. SO I'M WONDERING, WE WERE TOLD THAT OUR FIRST AMENDMENT RIGHTS EXPIRED BECAUSE THE KIDS OVER AT U.T. HAD STARTED EARLY THAT MORNING, I GUESS AROUND 10:00 O'CLOCK, AND SO WE WENT UP TO ASK THE POLICE AND WE SAID IT WAS THE FIRST DAY OF THE WAR, PEOPLE ARE REALLY UPSET, DO YOU MIND IF WE JUST GATHER HERE AND SORT OF CONSOLE EACH OTHER, SING PEACE SONGS AND DO THINGS LIKE THAT? AND THEY SAID, WELL, WE'RE ABOUT TO HAVE SHIFT CHANGE AND YOU HAVE TO GO HOME. SO I GUESS OUR FIRST AMENDMENT RIGHTS EXPIRED AT SHIFT CHANGE. SO IF THESE PEOPLE GET ALL THIS MONEY DISRKS IT MEAN THAT OUR FIRST AMENDMENT RIGHTS WILL BE PROVIDED FOR? I'M JUST ASKING YOU, HOW MUCH MONEY DO YOU MAKE? HOW MUCH MONEY DO OUR SCHOOL TEACHERS MAKE? I KNOW THESE PEOPLE ARE IN THE LINE OF FIRE.

THEY HAVE TO CARRY WEAPONS, THEY HAVE TO DO DISTASTEFUL THINGS ON OCCASION, BUT WE HAVE INSURANCE FOR THEM IF THEY'RE HURT IN THE LINE OF DUTY, AND THERE'S WAYS THAT THEY CAN TAKE CARE OF THEIR FAMILY FOR LESS THAN WHAT YOU'RE GIVING THEM. IT'S NOT EQUITABLE FOR THE REST OF THE CITY. [BUZZER SOUNDS]

Mayor Wynn: THANK YOU, MS. THOMPSON. STEPHEN RAY, WHO WILL BE FOLLOWED BY CAROL GUTHRY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

... I THINK THE MAIN THING THAT I'M HEARING IS THAT THIS CONTRACT NEEDS TO BE DISCUSSED WITHIN THE CONTEXT OF THE TOTAL BUDGET. AND THAT I'M -- WHAT I'M HEARING, THE DISCUSSIONS THAT I'VE HEARD FROM TALKING WITH NUMEROUS PEOPLE IN THE LAST FIVE AND A HALF HOUR OR SO OUTSIDE WHILE YOU WERE TALKING ABOUT ZONING, THAT POINT, THAT'S THE REAL THRUST THAT I'M GETTING. I DON'T SEE, I HAVEN'T HEARD A COGENT ARGUMENT WHY IT CAN'T WAIT. WHY THE CONTRACT DISCUSSION CANNOT WAIT TO BE DISCUSSED WITHIN THE CONTEXT OF HUMAN SERVICES. IT -- I THINK THAT IT'S SOMETHING THAT -- THAT IT JUST MAKES SENSE THAT IT SHOULD BE. I JUST DON'T UNDERSTAND. I JUST DON'T REALLY -- I DON'T QUITE GET IT. I DON'T SEE THE SENSE, I MEAN THE GENTLEMAN FROM THE NEIGHBORHOOD ASSOCIATION MADE THAT SAME POINT. YOU KNOW, WE ARE HEARING GOOD ARGUMENTS, I MEAN, NORMALLY IT MAKES SINCE TO WAIT AND DO THINGS PROPERLY, DO THINGS IN THE RIGHT WAY. MAYBE IF YOU WERE A -- MAYBE IF IT WAS A TWO YEAR CONTRACT, OKAY, BUT THIS IS A FIVE YEAR CONTRACT. THAT'S A REALLY -- THAT'S A LONG TIME. THERE'S GOING TO BE A LOT OF -- I MEAN WE ARE ENTERING A PERIOD WITH A LOT OF CRITICAL THINGS HAPPENING ESPECIALLY WITH THE ECONOMY. SO I'M REALLY WORRIED ABOUT THAT. REALLY WORRIED ABOUT MAKING THE MAKING A DECISION NOW THAT LOCKS US INTO THAT. THAT'S BASICALLY -- BASICALLY WHAT I'VE BEEN ABLE TO GATHER FROM THE DISCUSSIONS FROM WHAT I'M HEARING FROM DIFFERENT PEOPLE. THAT SEEMS LIKE THAT WOULD BE A REALLY GOOD POINT NOT LOCKING THEMSELVES IN. I WOULD JUST LIKE TO ECHO THOSE REMARKS AND URGE YOU TO HAVE PATIENCE AND WAIT ON

THIS. I DON'T SEE -- I GUESS I DO UNDERSTAND IF THE CONTRACT THEN IT HAS TO GO BACK TO THE CIVIL, I DON'T QUITE UNDERSTAND WHAT THAT WOULD MEANS IN TERMS OF GOING BACK TO THE CIVIL SERVICE ASPECT. BUT I THINK THAT YOU COULD PROBABLY GO BACK TO MEET AND CONFER IF YOU DID RENEGOTIATE AT A FURTHER DATE IS WHAT I'VE BEEN TOLD. SO I JUST WOULD URGE YOU TO HAVE PATIENCE, TO LISTEN TO WHAT I -- WHAT SCOTT MENTIONED, TOO, THE AUSTIN AMERICAN-STATESMAN AND NEIGHBORHOOD COUNCIL, THE GENTLEMAN FROM THE NEIGHBORHOOD COUNCIL SAID THAT. THOSE ARE TWO [BUZZER SOUNDING] IMPORTANT VOICES AS WELL AS ALL OF THE PEOPLE HERE THAT YOU SHOULD LISTEN TO. THANK YOU.

THANK YOU, MR. RAY. CAROL GUT THREE, FOLLOWED BY BILL BUNCH FOLLOWED BY ELABETH POOL [INDISCERNIBLE]

GOOD EVENING, MAYOR AND COUNCIL. MY NAME IS CAROL GUTHRIE, I'M WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES. THE OTHER UNION. WE ARE HERE IN SUPPORT OF THE PROCESS OF MEET AND CONFER FOR THE POLICE DEPARTMENT AND WE WHOLEHEARTEDLY SUPPORT THE FIREFIGHTERS IN THEIR EFFORT FOR COLLECTIVE BARGAINING. WE UNDERSTAND THE VALUE THAT THESE PROCESSES ALLOW FOR EMPLOYEES TO NEGOTIATE WAGES AND WORKING CONDITIONS. BUT WE ARE HERE TO REMIND YOU THAT THERE ARE APPROXIMATELY 7500 NON-CIVIL SERVICE EMPLOYEES WHO HAVE BEEN WAITING FOR TWO YEARS FOR A PAY RAISE, NOT TO MENTION THE REDUCTION IN FORCE THAT THEY FACED LAST YEAR. THESE PUBLIC EMPLOYEES PROVIDE VALUABLE SERVICES TO THE CITIZENS OF AUSTIN AND DESERVE THE SAME CONSIDERATION TO HAVE THE RIGHT TO BE AT THE TABLE AND NEGOTIATE THEIR WAGES AND WORKING CONDITIONS LIKE OUR PUBLIC SAFETY BROTHERS AND SISTERS ARE ABLE TO DO. SO PLEASE DO NOT FORGET THE LION'S SHARE OF YOUR EMPLOYEES, THANK YOU.

Mayor Wynn: THANK YOU, MS. GUTHRIE. BILL BUNCH. BILL BUNCH SIGNED UP WISHING TO SPEAK AGAINST. CAROL WEBB SIGN UP NOT WISHING TO SPEAK, AGAINST. THE CITY

BUDGET NEED TO REFLECT THE TRUE PRIORITIES OF THE CITIZENS OF AUSTIN, IT IS AN INJUSTICE TO OVERALLOCATE CITY FUNDS SO THAT POLICE HEALTH EDUCATION AND OTHER SERVICES ARE UNDERFUNDED. ELIZABETH PULYAZA. SORRY IF I'M MISPRONOUNCING THAT. DO YOU WISH TO SPEAK? PLEASE APPROACH EITHER PODIUM. YOU WILL BE FOLLOWED BY ANN DELANO. SOME FOLKS, ELIZABETH WANTED TO DONATE TIME TO YOU. WAS DEBBIE RUSSELL HERE. KAREN HAYDEN WE SAW EARLIER. ADAM THOMPSON. SO ELIZABETH YOU WILL HAVE UP TO NINE MINUTES IF YOU NEED IT.

I COME BEFORE YOU TODAY AS SOMEONE WHO WORKED DAILY WITH CIVILIAN OVERSIGHT. I CAN TELL YOU FROM EXPERIENCE HOW THE CURRENT SYSTEM WORKS AND WHAT EFFECT THE PROPOSED CONTRACT WILL HAVE ON OVERSIGHT. THE PROPOSED CONTRACT SHOULD NOT BE APPROVED BECAUSE IT IS NOT IN ANYBODY'S BEST INTERESTS. NOT THE CITIZENS, AND NOT THE OFFICERS BECAUSE OF WHAT IT DOES TO POLICE MONITORING. IT HARMS OVERSIGHT BY KEEPING FACTS OF COMPLAINTS FROM THE PUBLIC AND OFFICERS. BY DENYING PEOPLE KNOWLEDGE, IT DENIES THEM THE RIGHT TO MAKE REASONABLE CONCLUSIONS. THE OFF OF THE POLICE MONITOR WAS CREATED BY OF A PUBLIC PERCEPTION, RIGHT OR WRONG, THAT OFFICERS COULD NOT POLICE THEMSELVES. THROUGH AN OPEN COMPLAINT SYSTEM, THIS PERCEPTION CAN BE SURMOUNTED AND A BRIDGE BUILT BETWEEN THE COMMUNITY AND OFFICERS. THE COMMUNITY KNOWS WHAT THE POLICE ARE DOING AND THE OFFICERS KNOW THAT THE COMMUNITY HAS BEEN GIVEN A BETTER UNDERSTANDING OF POLICE POLICY AND PROCEDURES. BY OPERATING IN SECRECY, CITIZENS HAVE NO CHOICE BUT TO REACH THEIR OWN CONCLUSIONS. THAT CONCLUSION IS OFTEN NOT IN ANY PARTIES' BEST INTEREST. SECRECY ONLY BREEDS MISTRUST WHICH MAKES AN OFFICER'S JOB HARDER OUT TO THE COMMUNITY. SOME OFFICERS WILL SAY THAT KEEPING INFORMATION FROM THE PUBLIC EYE PROTECTS THE OFFICER'S RIGHTS, THAT NO ONE WHO DOES NOT WORK IN LAW ENFORCEMENT CAN JUDGE THEIR ACTIONS. SOME OFFICERS SAID MUCH THE SAME THINGS WHEN VIDEO CAMERAS AND PATROL CARS WERE FIRST

INSTALLED. NOW EVERYONE CAN AGREE THAT CAMERAS ARE A GOOD THING. THE SAME IS TRUE WITH OVERSIGHT. OPENNESS NEVER HURT ANYONE. BUT SECRECY DOES. HOW DOES THE PROPOSED CONTRACT CLOSE THE SYSTEM THAT WAS JUST BEGINNING TO OPEN UP? IT RESTRICTS WHAT THE POLICE MONITOR STAFF CAN TELL A COMPLAINTANT. BUT -- IF SUBJECTED TO A NARROW INTERPRETATION OF THE CLAUSE THAT THE OFFICE CANNOT NEITHER ENCOURAGE NOR -- NOR INSIST ON THE FILING OF A COMPLAINT THE RIGHT TO FILE COULD BE LOST OR SINCE SOMEBODY MIGHT NOT KNOW IF A VIOLATION OR NOT, THEY WILL JUST GO AHEAD AND FILE THE COMPLAINT WHICH SUBJECTS THE IDENTIFIES TO FURTHER COMPLAINTS. ONCE THE COMPLAINT IS FILED, ATTENDING VIEWS IS A VERY IMPORTANT COMPONENT OF MONITORING. AN AGREEMENT WAS WORKED OUT LAST YEAR WHEREIN THE POLICE MONITOR WAS GIVEN THE RIGHT TO DELEGATE IN HER OWN OFFICE. THIS MEANT THAT THE POLICE MONITOR WOULD DECIDE WHO ATTENDED ANY INTERVIEW CONDUCTED BY IAD, INCLUDING THAT OF THE ACCUSED OFFICER. PRIOR TO THIS AGREEMENT, COMPLIANCE ESPECIALISTS COULD NOT ATTEND INTERVIEWS BASED ON THE ROPING THAT THEY WERE NOT LAWYERS. IT WAS THEN POINTED OUT THAT THE IAD INVESTIGATORS, WHILE FINE INVESTIGATORS, ARE ACTUALLY NOT LAWYERS EITHER. IT DOES NOT REQUIRE A LAW DEGREE TO OBSERVE AN INTERVIEW AND PERHAPS ASK A BETTER TENT QUESTION. UNDER THE PROPOSED LANGUAGE THE POLICE MONITOR LOSES THE ABILITY TO MAKE ASSIGNMENTS IN HIS OWN OFFICE, ONLY THE POLICE MONITOR AND THE ASSISTANT POLICE MONITOR WOULD BE ALLOWED TO ATTEND INTERVIEWS OF ACCUSED OFFICERS. THE POLICE MONITOR AND ASSISTANT POLICE MONITOR HAVE MANY OTHER DUTIES THAT ONLY THEY CAN CARRY OUT. THE COMPLIANCE SPECIALIST'S MAIN JOB IS THE INTAKE OF COMPLAINTS AND ATTENDING AND MONITORING INVESTIGATIONS. WELL THE MONITOR OR HIS ASSISTANT ARE ATTENDING COMMUNITY MEETINGS, MEETING WITH CITY LEADER OR WORKING WITH THE CHIEF OF POLICE IN ORDER TO DEVELOP BETTER POLICIES AND PROCEDURES, THE COMPLIANCE ESPECIALISTS ARE TAKING COMPLAINTS. AND TAKING INTERVIEWS. BY DEMANDING ONLY THE OFFICER ASSISTANT

ACCUSE OFFICER INTERVIEWS YOU ARE GUARANTEEING SOME INTERVIEWS ARE MISSED. MISSED INTERVIEWS ARE MISSED OPPORTUNITIES TO DETERMINE THE TRUTH. THE DRAFT THERAPY SAY THE TAPES WILL BE PROVIDED TO THE OPM WITHIN A CERTAIN AMOUNT OF TIME. IF A REPRESENTATIVE OF THE OPM IS NOT PRESENT ISSUES CANNOT BE IMMEDIATELY RAISED AND ADDRESS. OTHER CITIES HAVE SUCH A SYSTEM IN PLACE WHEREIN TAPES ARE PROVIDED. OPEN MAKE, NEBRASKA BEING ONE SUCH. EVERY QUARTERLY REPORT FROM OMAHA INDICATES AN ONGOING PROBLEM OF GETTING ISSUES ADDRESSED OR EVEN RECEIVING THE TAPES IN A TIMELY MANNER. WHY DO WE WANT TO SUBJECT AUSTIN TO THE SAME PROBLEM? AT THIS TIME, AFTER AN INVESTIGATION IS COMPLETED, THE COMPLAINANT IS NOTIFIED OF THE OUTCOME AND OFFERED THE CHANCE TO HAVE A POLICE MONITOR'S CONFERENCE. AROUND THE COUNTRY ONLY AUSTIN OFFICER OFFERS A MONITOR'S CONFERENCE. THIS ALLOWS THE COMPLAINANT TO LEARN HOW IAD REACHED THEIR CONCLUSIONS. ANY FACTS NOT KNOWN TO THE COMPLAINANT ARE PROVIDED AT THIS TIME SO THAT THE COMPLAINANT HAS A FULL UNDERSTANDING OF WHY A COMPLAINT WAS SUSTAINED OR NOT. THE COMPLAINANT IS NOT ALLOWED TO READ THE FILE, BUT THE POLICE MONITOR PROVIDES SUCH DETAILS AS ARE DEEMED NECESSARY TO PROMOTE UNDERSTANDING OF POLICE POLICIES OR PROCEDURES. THIS IS ALSO AN OPPORTUNITY FOR THE MONITOR TO TELL THE COMPLAINANT WHETHER OR NOT HE AGREED WITH THE CONCLUSION REACHED. IN PRACTICE, MANY COMPLAINANTS HAVE UNDERSTOOD WHY THE OFFICER'S ACTION DID NOT VIOLATE PROCEDURE AFTER A MONITOR'S CONFERENCE. THIS PREVENTED MANY CASES FROM BEING REFERRED TO THE PANEL FOR REVIEW. THE MONITOR'S CONFERENCE WAS POSSIBLE ONLY THROUGH A PROVISION OF THE PREVIOUS CONTRACT THAT ALLOWED THE MONITOR TO DISCUSS THE CONFIDENTIAL IAD FILE WITH THE COMPLAINANT. THE PROPOSED CONTRACT CONTAINS NO SUCH PROVISION. ALTHOUGH THE DISTINGUISHED MEMBERS OF THE CITY COUNCIL HAVE BEEN TOLD THAT THE S.O.P.'S CONTAIN A PROVISION FOR THE MONITOR'S CONFERENCE, UNDER STATE LAW DETAILS OF AN INVESTIGATION CANNOT BE DISCLOSED EVEN TO A COMPLAINANT. THE LOCAL

GOVERNMENT CODE PROHIBITS DISCLOSURE OF THE CONTENTS OF INTERNAL AFFAIRS FILES EXCEPT TO CERTAIN SPECIFIC ENTITIES. THE ONLY WAY THIS LAW CAN BE SUPERSEDED IS THROUGH THE MEET AND CONFER CONTRACT. THE S.O.P.'S ARE NOT PART OF THE CONTRACT. THERE'S NOT EVEN A CLAUSE MENTIONING THE S.O.P.'S IN THE PROPOSED CONTRACT. THEREFORE NO INFORMATION ABOUT A COMPLAIN CAN BE DISCLOSED WITHOUT SUBJECTING THE POLICE MONITOR TO CRIMINAL OR CIVIL SANCTIONS. ADDING THE PANEL HOW HAS ALSO CHANGED. BEFORE THE CITIZEN ADDRESSED THE PANEL DURING THE PUBLIC SESSION SO THAT EVERYONE COULD HEAR WHAT THE CONCERNS WERE. IF HE OR SHE CHOSE, THE OFFICER COULD ALSO ADDRESS THE PANEL AT THIS TIME AGAIN SO THE PUBLIC COULD HEAR THE OFFICER'S SIDE OF EVENTS AND UNDERSTAND THE TOTALITY OF THE CIRCUMSTANCE. UNDER THE PROPOSED CONTRACT THE DISEP AND THE OFFICER WOULD ADDRESS THE PANEL IN PRIVATE, DENYING THE PUBLIC INFORMATION ABOUT COMPLAINTS. THIS DENIES THE PUBLIC THE RIGHT TO KNOW WHAT OFFICERS ARE DOING AND DENIES THE OFFICER THE RIGHT TO LET THE PUBLIC KNOW HIS OR HER SIDE OF THE STORY. IT ALSO DENIES OTHER OFFICERS THE ABILITY TO DISCOVER WHAT COMPLAINTS ARE BEING MADE AND WHY SO THEY CAN ATTEMPT TO AVOID MAKING THE SAME ERRORS THAT GAVE RISE TO THE COMPLAINT. IN CLOSING, ONE OF THE GREATEST PROBLEMS OF THE PREVIOUS CONTRACT WAS ITS AMBIGUITY. DUE TO ITS LACK OF SPECIFICITY THERE WERE MANY QUESTIONS ABOUT THE DAY TO DAY OPERATIONS OF CIVILIAN OVERSIGHT AND THE PRACTICAL IMPLICATIONS OF CERTAIN ACTIONS. SOME OF THESE AMBIGUITIES LED TO A TEMPORARY RESTRAINING ORDER BEING FILED. THIS NEW CONTRACT DOES NOT SOLVE THAT DUE TO THE FACT THAT IT ADDRESSES SOME ISSUES IN THE CONTRACT ITSELF WHILE LEAVING OTHER ISSUES TO THE S.O.P.'S BUT NEVER MENTIONING THE S.O.P.'S IN THE CONTRACT. IT IS EVEN MORE AMBIGUOUS THAN THE LAST ONE WHICH COULD LEAD TO FUTURE DIFFICULTIES IN CARRYING OUT OVERSIGHT DUTIES. I URGE YOU ALL TO VOTE AGAINST THIS CONTRACT IN THE BEST INTERESTS OF THE CITY AND OF THE POLICE. THANK YOU.

THANK YOU, ELIZABETH [APPLAUSE] ANN WILL BE FOLLOWED BY FLORENCE YEARLY. A NUMBER OF FOLKS WANTING TO OFFER TIME TO YOU. IS RUTH EPSTEIN HERE. HELLO, RUTH. MARY ALESHIRE. HI, MARY. MORRIS SMITH. HOW ARE YOU. KATHY MICHELLE? KATHY MICHELLE?

I THINK I ACTUALLY GAVE MY TIME --

Mayor Wynn: OKAY. THEN ANN YOU WILL HAVE UP TO -- YOU WILL HAVE UP TO 12 MINUTES IF YOU NEED IT. WELCOME.

THANK YOU. MAYOR, COUNCILMEMBERS, THANK YOU FOR THE OPPORTUNITY TO ADDRESS YOU. I'M ANN DELANO WITH THE ACLU OF TEXAS. I'M ASKING YOU TO VOTE NO ON THE CONTRACT TODAY. I'M ASKING YOU TO TAKE IT VERY SERIOUSLY AND CONSIDER WHAT YOU ARE DOING TODAY. WE CAN'T AFFORD TO GUARANTEE THE AVERAGE AUSTIN POLICE OFFICER ON THE STREET ALMOST \$80,000 A YEAR IN SALARY. PLUS FULL BENEFITS. WE CAN'T AFFORD TO DO THAT AS A CITY. I BELIEVE THAT YOU EACH MAKE ABOUT 40,000. YOU ARE GIVING POLICE OFFICERS WHO HAVE NO SPECIAL ABILITIES, ALMOST \$80,000 A YEAR GUARANTEED. I WANT THE WHOLE CITY TO HEAR THAT. BECAUSE THOSE DOLLARS COME DIRECTLY OUT OF THE OTHER CITY'S EMPLOYEES POCKETS, AND THEY COME DIRECTLY OUT OF THE HEALTH AND HUMAN SERVICE NEED OF THIS CITY. IN ADDITION THE PUBLIC SAFETY BUDGET THAT YOU ARE PLANNING TO SPEND WITH THIS CONTRACT WILL TAKE UP ALL SALES AND PROPERTY TAXES THROUGHOUT THE LIFE THAT WE CAN SEE OF IT. THAT LEAVES ALL OF THE REST OF THE CITY NEEDS TO RELY ON AUSTIN ENERGY. WHILE WE PAY OUR OFFICERS ALMOST \$80,000 A YEAR FOR BEING AVERAGE. THIS IS A -- THIS IS ALSO AT A TIME WHEN OUR CITY BUDGET PROJECTIONS SHOW US AS A -- AT A DEFICIT FOR THE NEXT TWO YEARS. WHEN I USE THE WORD DEFICIT. I DO NOT MEAN THAT WE ARE GOING TO HAVE TO BORROW MONEY NEXT YEAR BECAUSE LUCKILY WE HAVE A RAINY DAY FUND. WHAT I DO MEAN IS THAT WE ARE SPENDING MONEY FASTER THAN WE ARE BRINGING IT IN. ACCORDING TO YOUR CITY MANAGER'S BUDGET. WE ARE SPENDING IT BY 30 TO 35 MILLION MORE THAN WHAT WE HAVE. AND WE CANNOT AFFORD TO GIVE OUR POLICE OFFICERS THE AVERAGE OFFICER ALMOST \$80,000 A YEAR GUARANTEED

WHILE WE CUT AND CUT OTHER CITY SERVICES. LAST BUDGET YOU HAD TO CUT 600 EMPLOYEES IN THE CITY SO THAT THE POLICE OFFICERS COULD HAVE THEIR WHAT HAS AMOUNTED TO 37% RAISE SINCE THE CONTRACTS BEGAN. TOBY FUTRELL YOU SAID THAT THE GROWTH AND EXPENDTURES IS OUTPACING OUR REVENUES, YES IT IS. WHEN YOU VOTE UNDER THIS CONTRACT YOU ARE LOCKING THAT SITUATION IN FOR FIVE YEARS. MAYOR, YOU SAID THAT IF ANYTHING THERE SHOULD BE MORE CUTS IN THE CITY BUDGET. GOOD GOVERNMENT REQUIRES THAT WE CORRECT THIS UP SUSTAINABLE PATTERN OF SPENDING YOU SAID. DID YOU MEAN IT? YOU ALSO SAID THAT YOU WANT TO SAVE AS MUCH MONEY AS POSSIBLE THIS YEAR TO HELP AVOID ANOTHER TAX RATE INCREASE AND EVEN DEEPER CUTS IN 2005. DID YOU MEAN IT? THIS IS THE MOST EXPENSIVE OBLIGATION THAT YOU ARE GETTING OUR CITY INTO FOR THE NEXT FIVE YEARS. TOBY FUTRELL SAID ONLY A FEW MONTHS AGO THERE IS NO EVIDENCE THAT THE ECONOMIC FORECAST IS GOING TO IMPROVE IN THE NEAR FUTURE. MEANWHILE OUR EXPENDITURES CONTINUE TO GROW WITH BUILT-IN COST DRIVERS IN PUBLIC SAFETY, DESPITE OUR BEST EFFORTS, SHE SAID, DECLINING REVENUE IN THE FACE OF BUILT-IN COST DRIVERS IS KEEPING US IN A DEFICIT. SO EVEN WITH SIGNIFICANT CUTS, 600 EMPLOYEES CUT, BUT THE POLICE WITH RAISES, OUR EXPENDITURES ARE OUTSTRIPPING OUR WANING REVENUES. NEXT YEAR, THE BUDGET PROCESS YOU HAVEN'T FACED YET, YOU WILL RECOMMEND DIFFERENT ADDITIONAL CUTS AS WELL AS THE EFFECTIVE TAX RATE. QUOTE BY OUR CITY MANAGER, BY FAR THE GREATEST OF THE COST DRIVERS IS PUBLIC SAFETY EXPENDITURES. YOUR LEGACY WILL LIVE ON FOR FIVE YEARS, WITH WHAT THE SEVEN OF YOU DECIDE TONIGHT. YOU ARE SPENDING MORE MONEY AND PUTTING US INTO WHAT WE CALL A STRUCTURAL IMBALANCE. IN THE BUDGET. YOU ARE KNOWINGLY DOING THAT IF YOU AGREE TO THIS. IN ADDITION TO THAT, THE OVERSIGHT IS SUFFERING POORLY TO SAY THE LEAST IN THIS CONTRACT. WE CANNOT AFFORD TO HAVE A POLICE FORCE THAT KNOWS, IT DOESN'T HAVE TO FOLLOW RULES AND POLICIES. YOU MAY LAUGH AND SAY THEY WOULD NEVER SAY THEY WOULD NEVER HAVE TO FOLLOW RULES. LET'S LOOK AT THE GLASGOW CASE. IN

THAT CASE SHEFFIELD AND OTHERS SAID THE INDICTMENT MIGHT CAUSE THEM TO FOLLOW RULES STRICTLY. BUT THE INDICTMENT WAS DROPPED. ACCORDING TO THE INDICTMENT, WHICH WAS OUR GRAND JURY'S JUDGMENT, NEARLY EVERY ACTION BY GLASGOW DURING THAT INCIDENT WAS A BROKEN POLICY OR A BROKEN RULE. HOWEVER, OFFICER SHEFFIELD SAID, OFFICERS ACROSS THE COUNTRY TAKE THOSE SAME STEPS EVERY DAY. WE SHOULDN'T BE HELD TO ANY MORE STRICT STANDARDS. THAT IS AN UNREALISTIC STANDARD THEY SET THERE, HE SAID. WE SHOULDN'T BE EXPECTED TO BE HELD TO WRITTEN RULES AND POLICIES. OFFICERS IT SAYS WERE BAFFLED BY ALLEGATIONS THAT THEY MIGHT HAVE TO FOLLOW THE WRITTEN RULES AND POLICIES OF THE CITY. YOU ARE ALLOWING THAT TO CONTINUE. YOU ARE RELAXING THE PROHIBITION AGAINST RETALIATING AGAINST WITNESSES. WHAT SIGNAL IS THAT SENDING TO THE OFFICER ON THE STREET. YOU ARE NOW HANDING THE OFFICER THE COMPLAINT BEFORE HE EVEN HAS TO MAKE A STATEMENT, TWO DAYS BEFORE. THIS IS VIRTUALLY UNHEARD OF. AND IT'S BEEN DISPUTED OVER WHAT THE WORD COMPLAINT MEANS. I KNOW THAT COUNCILMEMBER DANNY THOMAS IS SAYING HE WAS MISQUOTED WHEN HE SAID THAT I HAD MADE A MISAT THE SAME TIME AND IN FACT DAILY BY JOE CLIFTON. BUT WHAT WE HAVE RIGHT HERE IN THE CONTRACT IS THAT -- THE VERY SIMPLE APPEARS TO THIS DISPUTES. ON PAGE 43, LAURA HUFFMAN IS QUICK TO SAY WHAT THE OFFICER GETS BEFORE HE GETS THIS STATEMENT IS MERELY THE COMPLAINT. BUT NO ONE WANTS TO LOOK AT PAGE 42 WHERE COMPLAINT IS DEFINED AS ANY EVIDENCE THAT COULD HARM THE OFFICER OR BE USED AGAINST THE OFFICER. THEREFORE THE OFFICER WILL BE ABLE TO SEE ANY EVIDENCE THAT CAN BE USED AGAINST THEM 48 HOURS BEFORE HE'S EVER ASKED TO GIVE HIS STATEMENT. WE ARE RELAXING THE RETALIATION PUNISHMENT. THEY ARE ALREADY SAYING THAT THEY SHOULDN'T HAVE TO FOLLOW WRITTEN RULES AND POLICIES. YOU ARE SENDING A CLEAR MESSAGE TO THEM, THAT'S RIGHT, YOU DON'T. WE WILL NOT BE HOLDING YOU TO THAT ACCOUNTABILITY. IT IS ONLY THE SEVEN INDIVIDUALS WHO SIT ON THE DAIS RIGHT NOW, COUNCILMEMBER THOMAS, COUNCILMEMBER MCCRACKEN,

COUNCILMEMBER DUNKERLY, MAYOR WYNN, MAYOR PRO TEM GOODMAN, COUNCILMEMBER ALVAREZ, COUNCILMEMBER SLUSHER, IT'S YOU SEVEN WHO WILL BE SOLELY RESPONSIBLE FOR WHAT COMES INTO US, INTO OUR CITY IN THE NEXT FIVE YEARS IF YOU VOTE THIS CONTRACT INTO PLACE. YOU HAVE A LOT OF PRESSURE FROM CITY STAFF. CITY STAFF IS OUT IN NUMBERS. THEY HAVE BEEN TELLING YOU A -- STRIDENTLY AND WITH FORCE THAT YOU MUST SIGN THIS CONTRACT. IT'S VERY IMPORTANT FOR THE CITY EVEN THOUGH THEY CONTRADICT ALL OF THEIR BUDGET ADVICE. AND YOU ALSO ARE HAVING A LOT OF PRESSURE FROM THE AUSTIN POLICE ASSOCIATION WHICH I THINK SCOTT HENSON POINTED OUT CORRECTLY. WHETHER YOU THINK THEY HAVE THE POWER THEY HAVE OR NOT, THE PUBLIC PERCEPTION IS THAT THEY DO HAVE THE POWER AND EVERY FACT THAT THE PUBLIC HAS TO GO ON SHOWS US THAT THAT'S TRUE. IF YOU VOTE FOR THIS CONTRACT TONIGHT YOU ARE VALIDATING THAT CONCEPT IN THE PUBLIC'S MIND. EVEN THOUGH THE UNION IS GIVING YOU ALL OF THIS PRESSURE TO VOTE FOR THE CONTRACT AND ALL OF THE POLICE OFFICERS, IT'S NONE OF THEM WHO WILL EVER HAVE TO ANSWER IN THE NEXT FIVE YEARS FOR WHAT TAKES PLACE IN THIS CITY. NONE OF THE CITY STAFF, NONE OF THE POLICE OFFICERS WILL HAVE TO CRAFT THAT BUDGET EVERY YEAR FOR FIVE YEARS. NONE OF THE CITY STAFF AND NONE OF THE POLICE OFFICERS WILL HAVE TO APPEAR THE QUESTION OF WHY OFFICERS ARE NOT HELD ACCOUNTABLE. THE NEXT TIME A PERSON LIKE OFFICER GLASGOW WHO HAS HAD FOUR WRECKS IN POLICE CARS THAT WERE ALL DETERMINED BY THE CHIEF TO BE HIS NEGLIGENCE, HE'S USED FORCE ONLY AGAINST MINORITIES AND ABOUT EIGHT TIMES AS OFTEN AS ANY OTHER OFFICER AND THEN HE ROLLS UP ON AN UNARMED BLACK GENTLEMAN LATE AT NIGHT, BREAKS EVERY RULE IN THE BOOK ACCORDING TO THE GRAND JURY AND THE POLICE CHIEF, PUMPS THE JUNK GENTLEMEN FULL OF FIVE BULLETS IN THE TORSO, WHEN ALL EVIDENCE EVEN BY OFFICER GLASGOW IS THAT THE GENTLEMAN WAS COMPLYING, PUTTING HIS HANDS UP, SAYING WHAT'S WRONG AS HE GOT SHOT AND KILLED. YOU ARE PUTTING OUT THE MESSAGE THAT THAT'S OKAY AND EVERY TIME THAT HAPPENS AGAIN IN THE NEXT FIVE YEARS AND IT

TURNS OUT TO BE OKAY BECAUSE THE OFFICER ISN'T PUNISHED, IT'S NOT THE CITY STAFF THAT HAS TO ANSWER FOR THAT. IT'S NOT GOING TO BE THE POLICE UNION, IT'S YOU SEVEN WHO SET UP THIS SYSTEM THAT ALLOWED THE DISCIPLINE TO BE THIS LAX. THERE ARE BENEFITS THAT I'VE HEARD ARE IN THIS CONTRACT RELATED TO HIRING, PROMOTION AND TRAINING. BUT YOU CAN'T HIRE OR TRAIN OR PROMOTE WELL ENOUGH TO OVERCOME A COMPLETE GUTTING OF THE DISCIPLINE SYSTEM. BECAUSE IT'S MORE IMPORTANT TO HAVE PEOPLE WHO KNOW THEY HAVE TO FOLLOW RULES. THAN TO HAVE A LITTLE HIGHER QUALITY PERSON WHO KNOWS HE DOESN'T HAVE TO FOLLOW ANY RULES. AND WE ARE GIVING THIS PERSON THE AVERAGE ONE \$80,000 A YEAR OF OUR TAXPAYER'S DOLLARS FOR FIVE YEARS. WHICH IS LONG ENOUGH TO OUTLAST SOME OF YOU ON THIS COUNCIL. MEANING THAT YOU ARE SETTING IT UP FOR FUTURE COUNCILMEMBERS TO HAVE TO DEAL WITH THESE BUDGETS AND WITH THESE CRISES. THERE IS A SOLUTION TO THIS. THE AUSTIN AMERICAN-STATESMAN HAS ASKED YOU TO VOTE NO ON THIS CONTRACT. THE AUSTIN NEIGHBORHOOD COUNCIL HAS ASKED YOU TO NOT APPROVE THIS CONTRACT TONIGHT. THE AUSTIN AREA HEALTH AND HUMAN SERVICES ASSOCIATIONS, WHICH REPRESENTS 70 SERVICE ORGANIZATIONS, THE BAPTIST MINISTERS UNION OF AUSTIN AND VICINITY HAS SEPTEMBER YOU A WRITTEN DOCUMENT THAT THEY OPPOSE YOU GRANTING THIS CONTRACT TODAY. THE GRAY PANTHERS HAVE ASKED YOU NOT TO SIGN IT. THE ACLU, PROFESSORS YOU HAVE HEARD FROM TONIGHT OF CRIMINAL JUSTICE AND PROFESSORS OF SOCIOLOGY, MEMBERS OF YOUR AUSTIN HOMELAND SECURITY TASK FORCE, MEMBERS OF YOUR PUBLIC SAFETY TASK FORCE, MEMBER OF THE HUMAN RIGHTS COMMISSION, THE EKTD TEE COMMISSION -- EQUITY COMMISSION REPORT IS VIOLATED BY IT. IT IS NOT YOUR ONLY OPTION. YOU ADDRESS THE SITUATION OF NOT HAVING A CONTRACT WHEN THE POLICE UNION ABRUPTLY WALKED AWAY FROM THE TABLE AND THEN TURNED AROUND AND TOLD YOU THAT YOU HAD TO DECIDE WHOSE SIDE YOU WERE ON. YOU ADDRESSED WHAT WOULD HAPPEN WITHOUT A CONTRACT AND THE CITY DECIDED THAT IT WOULD LEAVE THE MONITOR'S OFFICE IN PLACE. AND THOSE S.O.P.'S CAN BE IN PLACE AND YOU HAVE THE

AUTHORITY SO THAT ASH TON CUMBERBATCH DOESN'T MISS ONE DAY OF WORK. THAT ENTIRE OFFICE STAYS INTACT AND WE WILL THEN HAVE THE FLEXIBILITY TO DECIDE THE BUDGET EVERY YEAR. AS A WHOLE AND MAYBE ACHIEVE THE STRUCTURAL BALANCE THAT TOBY FUTRELL WAS SAYING WAS IMPORTANT. PLEASE REALIZE THAT JUST LIKE THE STATESMAN SAID, YOU HAVE OPTIONS. POLICE TAKE YOUR RESPONSIBILITY TONIGHT TO THE PUBLIC. AND PUT IT ABOVE SOME OF THE PRESSURES THAT YOU ARE GETTING FROM YOUR OWN CITY STAFF AND THE UNIONS AND SPECIAL INTERESTS IN THIS TOWN AND PLEASE VOTE KNOW ON THIS CONTRACT TONIGHT AND ALLOW THIS CITY TO BE FREE FROM PAYING THE AVERAGE OFFICER \$80,000 A YEAR WITH NOTHING IN RETURN. [BUZZER SOUNDING] THANK YOU VERY MUCH. [APPLAUSE]

KATHY MITCHELL, I HAD YOU DONATING TIME.

YOU WILL BE FOLLOWED BY FLORENCE YEARLY. WHO WILL BE FOLLOWED BY JEFF HARPER, WELCOME, MA'AM.

THERE'S BEEN A LOT OF DISCUSSION TONIGHT ABOUT OUR DEFICIT SPENDING, SO I'M GOING TO KEEP MY COMMENTS SHORT. IN JANUARY, YOU ALL FORECAST THAT YOU WOULD HAVE A \$29 MILLION SHORTFALL THAT YOU WOULD HAVE TO COVER SOMEHOW. THE STAFF NOW IN RECENT COMMENTS IN RESPONSE TO THIS CONTRACT HAS SAID THAT MAYBE THE SHORTFALL WON'T BE SO MUCH. BUT NO ONE IS SAYING THAT YOU WON'T HAVE A SHORTFALL. THE FIVE YEAR FORECAST FOR THE BUDGET ISN'T EVEN DUE UNTIL APRIL THE 15th. YOU WILL BE MAKING A DECISION THAT AFFECTS THE ENTIRE CITY AND HOW MUCH MONEY WE HAVE TO SPEND THREE WEEKS BEFORE YOU HAVE YOUR FIVE YEAR FORECAST. I MEAN MAYBE YOU GUYS HAVE SEEN SOMETHING THAT'S NOT OUT THERE YET. BUT THAT'S THE OFFICIAL DUE DATE. THE ACTUAL BUDGET ISN'T DUE UNTIL JULY 29th. BETWEEN THE TIME THE FORECAST COMES OUT AND THE TIME THAT THE BUDGET IS CONSTRUCTED AS YOU ALL KNOW THIS IS THE TIME THE CITY TAKES TO BALANCE ITS PRIORITIES. YOU ARE ABOUT THREE WEEKS BEFORE THAT PROCESS. SO YOU HAVE HEARD A LOT OF COMMENTS TODAY ASKING THAT THIS PROCESS BE INCORPORATED INTO THAT PROCESS. THAT'S A REASONABLE REQUEST.

BECAUSE THE -- SINCE THE MEETING OF THE MEET AND CONFER ON PROCESS I WENT BACK AND LOOKED AT THE PUBLIC SAFETY PORTION OF -- OF THE GENERAL FUND BACK IN 1996 WHICH ESSENTIALLY GETS US BACK BEFORE THE MEET AND CONFER PROCESS BEGAN. THE PUBLIC SAFETY ACCOUNTED FOR 46.7%. TODAY IT ACCOUNTS FOR 57.6%. TOBY FUTRELL HAS NOTED IN THE PREVIOUS BUDGET THAT THE SIGNIFICANT COST DRIVER OF THAT GROWING PORTION OF THE BUDGET IS THE MEET AND CONFER CONTRACT. THAT IS WHAT'S -- THAT IS ONE OF THE FUNDAMENTAL PIECES THAT'S DRIVING US FORWARD. THE -- THE TERMINOLOGY HAS BEEN VERY DELICATE. THIS IS CALLED A PUBLIC SAFETY PREMIUM. THE TWO PERCENT OVER AND ABOVE WHATEVER ELSE ANYONE ELSE GETS. THIS IS NOT A PUBLIC SAFETY PREMIUM. THIS IS A POLICE ASSOCIATION MEET AND CONFER AGREEMENT. IT DOES NOT PROVIDE INCREASES TO FIRE OR E.M.S. IT DOES NOT ENSURE THAT OUR PUBLIC HEALTH SYSTEM CAN MONITOR OR REPORT EPIDEMICS, DISEASE, GOD FORBID TERRORISM. IT DOESN'T MAKE OUR ROADS SAFER. IT DOESN'T KEEP KIDS IN PROGRAMS THAT ARE ALTERNATIVES TO THE STREETS. IT DOES NOT -- IT IS NOT A PUBLIC SAFETY PREMIUM. AND I JUST WANT US TO BE VERY CLEAR ON WHAT WE ARE ABOUT TO DO. WHAT YOU ARE ABOUT TO DO IS HAVE TO MAKE A DECISION WHETHER TO REDUCE EXPENDTURES OR RAISE TAXES, I'M GUESSING. WE COULD HAVE A MIRACLE. THE ECONOMIC RECOVERY COULD ACCELERATE [BUZZER SOUNDING] ALL RIGHT. I JUST ASK THAT YOU POSTPONE CONSIDERATION OF THAT THANK YOU.

THANK YOU, MS. MITCHELL. ROBERT SINGLETON, NOT WISHING TO SPEAK AGAINST. FLORENCE YEARLY. FLORENCE YEARLY SIGNED UP WISHING TO SPEAK, NEUTRAL. CHRIS THOMPSON, NOT WISHING TO SPEAK, AGAINST. JEFF HARPER. SIGNED UP WISHING TO SPEAK, WELCOME, SIR, YOU'LL HAVE THREE MINUTES FOLLOWED BY MIKE SHEFFIELD.

THANK YOU FOR THE OPPORTUNITY TO SPEAK TO THE COUNCIL. I'M NOT ACTUALLY A RESIDENT OF AUSTIN. HOWEVER I HAD A -- I HAD A NEGATIVE EXPERIENCE WITH -- WITH AN OFFICER OF TRAVIS COUNTY. AND I'M A FIRM BELIEVER IN PUBLIC FORUMS, GOOD HEARTED PEOPLE

BEING ABLE TO STATE THEIR CASE AND PEOPLE BEING ABLE TO WEIGH THAT AGAINST THE BACK DROP OF THEIR LIFE EXPERIENCE. I NEVER IMAGINED THAT I WOULD BE GIVING THIS SPEECH WHEN I WAS YOUNGER. IN FACT IT'S REALLY STRANGE. MY NICKNAME, AMONG SOME OF MY PEERS IN HIGH SCHOOL, WAS THE LAW. AND THE REASON I GOT THAT NICKNAME IS I HAD SUCH AN AVERSION TO DRUGS AND THE LONG AND SHORT OF IT IS BECAUSE OF THE PHYSICAL CONDITION THAT I JUST DODGED DRUGS AND ALSO JUST FELT LIKE THE BEST THING TO DO WAS TO GO THE OTHER WAY. BUT GOT TO WHERE THAT WASN'T A PROBLEM BECAUSE MY FRIENDS WOULD GO THE OTHER WAY WHEN THE LAW WAS COMING. I HELD POLICE OFFICERS IN HIGH REGARD. AND AM -- AM A BIG-TIME BUDGET NERD. I ACTUALLY WROTE A BOOK ON THE FEDERAL BUDGET. BUT I DON'T KNOW A GREAT DEAL ABOUT THE AUSTIN BUDGET. I DON'T NEED TO. BECAUSE THE CHOICE IS SO OBVIOUS HERE. I WILL TELL YOU WHY, EVEN THOUGH THERE ARE FAR BETTER CASES DOCUMENTED. FAR MORE EGREGIOUS ABUSES, CERTAINLY WE ARE FAMILIAR WITH JASPER, TULIA CASES, SUCH AS THAT, FAKE DRUG BUSTS UP IN DALLAS. BUT I THINK THAT IT'S IMPORTANT THAT YOU AND YOU WILL SEE WHAT SOMEBODY LOOKS LIKE IN TRAVIS COUNTY WHO DRAGS A GIRL DOWN THE STREET BY HER NEXT OUT ON HIGHWAY 71 TO BE SPECIFIC. AND I DID IT IN BROAD DAYLIGHT. I DIDN'T DO IT IN THE -- IN THE DEEP NIGHT WOODS OF JASPER, TEXAS. BUT WHAT I DID DO WITH THE ROPE IS I WENT TO HER HOUSE AND I TIED HER UP BEFORE I PUT HER INTO THE VEHICLE TO TAKE HER INTO REHAB. REALLY PUTTING MY MIND TO IT, I DECIDED TO GO CONFER WITH THE LOCAL POLICE OFFICER BEFORE I DID THIS BY DRUG TREATMENT PROGRAM HERE LOCALLY. THEN I ACTUALLY WAS STUPID ENOUGH TO COMMIT A KIDNAPPING AFTER I ASKED AN OFFICER IN BASTROP COUNTY DIRECTIONS TO A TREATMENT CENTER IN TRAVIS COUNTY. NOW, I DID THIS WHILE I HAD MY KIDNAPPING VICTIM SITTING ON THE PASSENGER SIDE. OF COURSE THAT'S WHAT THE POLICE REPORT SAYS. NONE OF THAT ACTUALLY HAPPENED. WHAT I DIDN'T KNOW PRIOR TO THIS HAPPENING, NEVER HAD MUCH -- A GREAT DEAL OF INTEREST OF LOOKING INTO THE LAW. PRETTY MUCH FELT LIKE I BELIEVE KATHRYN CRIER IN HER BOOK USED THE

PHRASE COMMON SENSE REASONABLE MAN STANDARD. I FELT LIKE THAT WOULD HELP ME NAVIGATE THROUGH LIFE, STAY OUT OF TROUBLE, HELP OTHERS WHEN I SAW A NEED. [BUZZER SOUNDING] BOY DID I LEARN. ANYWAY, ONE OF THE --

Mayor Wynn: PLEASE CONCLUDE.

HOW --

Mayor Wynn: YOUR TIME IS UP.

SORRY. THANKS.

Mayor Wynn: MIKE SHEFFIELD. SIGNED UP WISHING TO SPEAK. WELCOME, SIR. YOU WILL BE FOLLOWED BY -- WITHA PONG TANK.

THANK FOR YOU LETTING ME SPEAK THIS EVENING. THE AUSTIN POLICE ASSOCIATION BELIEVES THIS IS A FAIR AGREEMENT. IT WAS VERY -- WORKED VERY HARD FOR BOTH SIDES DURING THIS PROCESS. WE WORKED VERY DILIGENTLY, WE THINK THAT WE CAME UP WITH AN AGREEMENT THAT BOTH IS FAIR TO THE COMMUNITY AND TO THE OFFICERS. I THINK THE NEXT STEP AFTER THIS EVENING FOR US IS WE WANT TO BEGIN A PROCESS OF WORKING WITH THE COMMUNITY TO BEGIN A HEALING, WE THINK THIS IT'S TIME FOR THAT. THE POLICE ASSOCIATION WILL PUT EVERY EFFORT INTO MAKING THAT HAPPEN. I THINK THAT IT'S TIME FOR US TO -- TO BEGIN A NEW DAY HERE. AND THE POLICE ASSOCIATION IS READY TO DO THAT. AND AGAIN THANK YOU FOR YOUR TIME AND I APPRECIATE ALL OF THE HARD WORK FROM THE MANAGER'S OFFICE AND THE EMPLOYEES THAT WERE INVOLVED IN HELPING US PUT THIS TOGETHER.

THANK YOU.

THANK YOU MR. SHEFFIELD. WITHAPONG TANK, WELCOME, YOU WILL HAVE THREE MINUTES.

THANKS, MAYOR AND COUNCILMEMBERS. JUST WANTS TO TELL YOU THAT I ALSO ALONG WITH THE FELLOW OFFICERS

SUPPORT THIS CONTRACT. WE BELIEVE THAT IT IS A FAIR CONTRACT FOR THE CITIZENS OF AUSTIN AND THE POLICE OFFICERS. OUR OVERSIGHT PROCESS WILL GIVE ITS CITIZENS THE ABILITY TO SCRUTINIZE OFFICER CONDUCT. YOU KNOW I'VE HEARD COMMENTS ABOUT OFFICERS HAVING ACCESS TO THE COMPLAINTS. I KNOW IN CALIFORNIA, WHERE -- WHERE THERE'S A -- THE LARGEST AMOUNTS OF SWORN OFFICERS IN THE UNION, THEY HAVE A LOT MORE ACCESS TO THEIR FILES AND AS OF YET IT HAS NOT RECEIVED ADVERSE IMPACT ON THAT ABILITY. AS A MATTER OF FACT WHEN OFFICERS ARE QUESTIONED ABOUT INCIDENTS FOUR MONTHS DOWN THE LINE, IT HELPS THEM RECALL THE INCIDENT AND BE OPEN AND HONEST ABOUT THE INVESTIGATION ITSELF. I WILL ALSO CONCLUDE WITH WHAT DETECTIVE SHEFFIELD SAYS. WE NEED TO MOVE FORWARD WITH THIS. WE NEED TO GO BACK TO THE COMMUNITY AND BUILD THE TRUST THAT WE HAVE IN THE COMMUNITY. THIS BADGE REPRESENTS THE TRUST OF THE COMMUNITY AND WE NEED TO KEEP THAT IN THE END. THANK YOU FOR SUPPORTING US.

THANK YOU, SIR. A NUMBER OF FOLKS SIGNED UP NOT WISHING TO SPEAK IN FAVOR OF THE CONTRACT. KATHRYN HAGERTY, JIM BECK, MELANIE GRIER, FELICIA WILLIAMS, ANGELA HOOPER, CRAIG HOWARD AND KENNETH CASSIDY. COUNCIL, THAT'S ALL OF THE FOLKS WHO HAVE SIGNED CARDS ON ITEM NO. 48. CITY MANAGER, IF HE WOULD -- IF WE COULD NOW PERHAPS HAVE THE BRIEFING THAT TYPICALLY WOULD COME BEFORE THIS. BUT I THINK THAT IT WAS APPROPRIATE TO GET AS MUCH PUBLIC INPUT AS POSSIBLE, SOME QUESTIONS WERE RAISED, SOME FACTS WERE STATED THAT PERHAPS COULD BE ADDRESSED. I'M GOING TO GO ON AND -- AND START WITH -- WITH A SUMMARY PRESENTATION OF HIGHLIGHTS OF THE CONTRACT AND THEN SOME OF THE KEY QUESTIONS AND THEN I'VE MADE SOME NOTES TO TRY TO CATEGORIZE THE KINDS OF CONCERNS WE'VE HEARD TONIGHT. LAURA IS GOING TO TAKE A FIRST SHOT AT IT HERE AND THEN PROBABLY BECAUSE -- BECAUSE I'M SO IMPRESSED AND HAPPY THAT PEOPLE HEAR MY BUDGET MESSAGE SO CLEARLY THAT I WILL PROBABLY JUMP IN WHEN WE GET TO THE FINANCIAL PORTION SO WE CAN CLARIFY A LOT OF THE

MISINFORMATION ON THE BUDGET. BUT GO AHEAD. LAURA.

OKAY. WHAT I'LL DO HERE IS TAKE A COUPLE OF MINUTES AND TALK TO YOU ABOUT THE HIGHLIGHTS OF THE CONTRACT, THE AREAS THAT -- SOME OF THE QUESTIONS THAT WE'VE HEARD TONIGHT. I WILL PROBABLY TRY TO HIT SOME OF THOSE QUESTIONS IN THIS PRESENTATION. THE CATEGORIES HAVE TO DO WITH OFFICERS RIGHTS, THAT INVOLVES THE PROCESS THAT WE USE INTERNALLY TO INVESTIGATE ALLEGATIONS AGAINST OFFICERS. AND WHAT THEY HAVE ACCESS TO IN THOSE FILES AS A PART OF THOSE INVESTIGATIONS AND WHAT THEY DON'T HAVE ACCESS TO. MOST OF THE QUESTIONS THAT WE HAVE HEARD OVER THE LAST COUPLE OF WEEKS ARE SIMPLY ASKING US WHAT DOES THE OFFICER HAVE ACCESS TO DURING AN INVESTIGATION AND WHEN DOES HE GET THAT ACCESS. WE WILL COVER THAT TIME LINE FOR YOU. THE SECOND CATEGORY OF QUESTIONS REALLY HAS TO DO WITH OVERSIGHT. THEY ARE MOSTLY WHAT I HAVE BEEN HEARING IS SOME CONCERN THAT BECAUSE THE ADMINISTRATION DETAILS HAVE BEEN PULLED OUT OF OVERSIGHT WHILE WE HAVE POSTED THE S.O.P.'S UP ON THE INTERNET, WE HAVE GOTTEN SOME SPECIFIC QUESTIONS ABOUT HOW SOME VERY SPECIFIC PARTS OF THAT OVERSIGHT SYSTEM WILL WORK AND THEN LASTLY THE FINANCIAL PACKAGE, I'LL TAKE A SHOT AT IT AND THEN TURN IT OVER TO THE CITY MANAGER. I DO THINK THIS CONTRACT APPROACHED THE FINANCIAL PACKAGE DIFFERENTLY. IT'S DIFFERENT ABOUT THREE KEY AREAS, WE WILL COVER THOSE AREAS. I WILL START WITH THE -- WITH JUST THE MESSAGE OF THE MEET AND CONFER PROCESS FROM OUR PERSPECTIVE. WHAT WE VIEW AS THE HIGHLIGHTS OF THIS CONTRACT. WHEN THE CITY GOT THE TOOL OF MEET AND CONFER, MANY YEARS AGO, I THINK WE ALL VIEWED IT AS AN OPPORTUNITY TO GIVE OURSELVES SOME RELIEF FROM A 56-YEAR-OLD PERSONNEL POLICY IN STATE LAW THAT'S CALLED CIVIL SERVICE LAW. AT THE TIME I DON'T KNOW THAT THERE WERE ANY ACTIVE DISCUSSIONS ABOUT USE THANK SAME STATE LAW TO CREATE A PROCESS CALLED OVERSIGHT. DURING THE FIRST ROUNDS OF ASSOCIATION WHAT AUSTIN WAS LOOKING FOR WAS GETTING PAST A MULTIPLE CHOICE TEST TO HIRE SOMEONE

AND TO PROMOTE SOMEONE AND LOOKING FOR WAYS THAT WE COULD PROMOTE THE VALUES OF THIS COMMUNITY WITHIN OUR POLICE DEPARTMENT. VALUES OF TENURE AND EDUCATION AND PROMOTING FOR QUALITY WITHIN THE DEPARTMENT. HERE'S SOME THINGS THAT WE THINK THAT WE HAVE DONE TO GET AT THOSE GOALS. PROBABLY MOST IMPORTANTLY IN THIS CONTRACT IS THAT WE HAVE EXTENDED THE PROBATIONARY PERIOD OF AN OFFICER. CIVIL SERVICE LAW TELLS YOU THAT YOU HAVE GOT 12 MONTHS FROM THE DATE OF HIRE. IN THIS CONTRACT, WE HAVE SAID THAT WE HAVE GOT 18 MONTHS, IT STARTS WHEN THE OFFICER HITS THE STREET. IN GIVES US A LOT OF TIME TO LOOK AT AN OFFICER FUNCTIONING IN THE ROLE OF A POLICE OFFICER ON THE STREETS OF AUSTIN WITHOUT ANY OF OF THE CIVIL SERVICE PROTECTIONS TO MAKE A DECISION ABOUT WHETHER OR NOT THIS IS LIFE LONG COMMITMENT BECAUSE TENURE IS HIGH IN CIVIL SERVICE DEPARTMENTS. WE HAVE EXTENDED TENURE AND PATROL IN A COUPLE OF DIFFERENT WAYS. PROBABLY MOST SIGNIFICANTLY WE HAVE SAID THAT NO OFFICER CAN PROMOTE INTO THE NEXT RANK UNTIL HE HAS SERVED FOR FIVE YEARS IN PATROL. IN DOING THIS, WE ARE ENSURING THAT THE MEN AND WOMEN IN PATROL STAY THERE FOR FIVE YEARS BEFORE THEY PROMOTE. THIS ALSO MEANS THAT BEFORE YOU ARE EVEN HE WILL JINL FOR A SUPERVISORY ROLE IN THE DEPARTMENT, YOU WILL HAVE SERVED FOR SEVEN YEARS. BECAUSE THE FIRST TIME YOU'LL HAVE A CHANCE TO PROMOTE INTO A SUPERVISOR'S ROLE, SERGEANT, YOU WILL HAVE SERVED FOR SEVEN YEARS. AGAIN WE HAVE AUGMENTED AND CHANGED ALL HIRING AND PROMOTIONS PROCESSES TO MAKE SURE THAT WE ARE GETTING PAST THE MULTIPLE CHOICE TEST EVERY STEP OF THE WAY IN THIS DEPARTMENT. ALL SUPERVISORS AND ALL MANAGERS WILL ALSO PARTICIPATE IN ASSESSMENT CENTERS, THOSE ASSESSMENT CENTERS ARE MULTIPLE ACTIVITIES THAT ARE DESIGNED TO TEST A PERSON'S SKILL FOR THE JOB THEY ARE GOING TO BE PROPOSING INTO. IT ALSO GAVE US THE OPPORTUNITY TO AWARD OFFICERS AND PROMOTIONS FOR THINGS LIKE EDUCATION AND EXPERIENCE. ENSURING THAT WE EMPHASIZE EDUCATION AND TENURE, TRANSLATES DIRECTLY INTO POINTS ON THE PROPOSAL EMOTIONS

PROCESS. SO -- PROMOTIONS PROCESS. RATHER THAN JUST HAVE A MULTIPLE CHOICE PROCESS, WE HAVE AUGMENTED WITH OTHER TESTING SCENARIOS AND ALSO AWARDED STRAIGHT POINTS FOR THE VALUES THAT WE ARE TRYING TO PROMOTE IN THE ORGANIZATION. IN OVERSIGHT, WE REMOVED THE THREE YEAR RESTRICTION ON THE PANEL'S ACCESS TO AN OFFICER'S DISCIPLINARY HISTORY. RIGHT NOW IN OVERSIGHT WHEN THE PANEL IS HE FELT ... ANYBODY THAT'S WORKED WITH DIFFERENT PERSONNEL ISSUES KNOWS THAT ONE OF THE THINGS THAT YOU HAVE TO UNDERSTAND IS THE EMPLOYMENT HISTORY OF THAT INDIVIDUAL. IT IMPROVES YOUR PERSPECTIVE ON WHO THAT EMPLOYEE IS AND HOW THEY HAVE FUNCTIONED IN YOUR ORGANIZATION OVER TIME. WE ENSURE THAT THE RECOMMENDATIONS AND CONCLUSIONS OF ANY INDEPENDENT INVESTIGATION CALLED FOR AS A FUNCTION OF OVERSIGHT OR ANY OTHER -- ANY OTHER PURPOSE, SO, FOR EXAMPLE IF THE POLICE CHIEF CALLS FOR AN INDEPENDENT INVESTIGATION OR IF THE CITY MANAGER CALLS FOR AN INDEPENDENT INVESTIGATION, THOSE CONCLUSIONS AND RECOMMENDATIONS CAN NOW BE RELEASED. WE HAVE PROTECTED THE STATE REQUIRED 180 DAYTIME FRAME THAT THE CHIEF HAS TO BOTH INVESTIGATE AND TAKE DISCIPLINARY ACTION AGAINST AN OFFICER. AND SO WE CANNOT -- THAT CLOCK CANNOT BE STOPPED SO THAT -- THAT CLOCK CANNOT BE RUN OUT IN OTHER WORDS. IF WE ARE STOPPED FROM PURSUING OUR INVESTIGATIONS, OUR DISCIPLINARY ACTION, THE CLOCK ALSO STOPS. THIS IS VERY IMPORTANT BECAUSE OVERSIGHT ADDS A LAYER OF REVIEW. AND THAT LAYER OF REVIEW NEEDS TIME TO TAKE PLACE. EARLIER THIS WEEK, THE QUESTION WAS ASKED HOW CAN YOU MAKE SURE THAT THE ADMINISTRATIVE PROCESS IN THE POLICE DEPARTMENT IS NOT TAKING UP ALL OF THE 180 DAYS. WHAT WE HAVE DONE IN THE OVERSIGHT, STANDARD OPERATING PROCEDURES IS WE HAVE REQUIRED TIME LINES AND WORKED WITH THE POLICE MONITOR'S OFFICE TO GET THE RIGHT TIME LINES IN PLACE SO THAT THE MONITOR IS ASSURED THAT HE WILL HAVE THAT CASE IN TIME FOR REVIEW AND IN TIME TO GO BACK AND TALK TO THE CHIEF IF NECESSARY, AND IN TIME TO INCLUDE THE PANEL. IF THAT TIME LINE CANNOT BE MET, THEN IT IS A DIRECT

COMMUNICATION FROM THE POLICE CHIEF TO THE POLICE MONITOR EXPLAINING WHY THOSE TIME LINES CAN'T BE MET. WE HAVE INCLUDED EXPEDITED ARBITRATION. THOSE OF YOU WHO ARE FOLLOWING EVENTS LAST YEAR AND THE YEAR BEFORE SAW HOW LONG AN ARBITRATION PROCESS CAN TAKE. ARBITRATION IS THE PROCESS THAT WE USE IN THE CONTRACT TO RESOLVE DISAGREEMENTS OVER WHAT THE CONTRACT MEANS. AND IN THIS CONTRACT WE ARE USING AN EXPEDITED ARBITRATION PROCESS THAT ENSURES THAT WE WILL NOT GET HUNG UP IN LENGTHY ARBITRATION PROCESSES THAT PREVENT US FROM MOVING FORWARD. WE REMOVED PROCEDURES. I THINK IN SOME WAYS FROM OUR PERSPECTIVE THIS ALLOWED THE POLICE MONITOR THE FREEDOM TO MANAGE THE FUNCTION. WE REALIZE THAT THIS WOULD ALSO RAISE QUESTIONS ABOUT HOW THOSE DETAILS WOULD BE HANDLED AND WE PUT THE S.O.P.'S ON THE WEBSITE SO THAT PEOPLE COULD SEE HOW WE ENVISION THAT PARTNERSHIP BETWEEN THE POLICE DEPARTMENT AND THE POLICE MONITOR'S OFFICE. I REALIZE THAT THAT HAS ALWAYS GENERATED SOME QUESTIONS. THE MOST COMMON QUESTION THAT I'VE HEARD IS THE POLICE MONITOR'S CONFERENCE, WHAT HAS HAPPENED TO THE POLICE MONITOR'S CONFERENCE. WE HAVE LOOKED AT THAT ISSUE OVER AND OVER AGAIN, LOOKED AT IT DURING THE NEGOTIATIONS AND WE ARE CONFIDENT THAT THE POLICE MONITOR'S CONFERENCE CAN 10 EXACTLY AS IT DID BEFORE. IN FACT THE S.O.P.'S MIRROR THE LANGUAGE IN THE CONTRACT. THE FIVE YEAR TERM IS A DIFFERENCE IN THE MEET AND CONFER CONTRACT. THIS -- I COULD TALK ABOUT THIS ALSO AS PART OF THE FINANCIAL PACKAGE BECAUSE PART WHAT WAS THIS LONGER TERM RECOGNIZES IS THAT THE CITY REALLY HAS ACHIEVED THE MANAGERIAL GOALS THAT WE HAD WHEN WE GOT THIS TOOL MANY YEARS AGO. THE WINDS, THE -- THE WINS, GAINS, HIRING PROCESS. THOSE ARE THINGS THAT WE HAVE NOW. IT IS NOT NECESSARY FOR US TO 10 NEGOTIATING ON A THREE YEAR CYCLE. THAT'S WHAT THAT FIVE YEAR TERM RECOGNIZES. THERE ARE TRADEOFFS. IN ANY CONTRACT THERE ARE TRADEOFFS. PROBABLY THE MOST SIGNIFICANT TRADEOFFS IN OVERSIGHT WERE CONFLICT OF INTEREST PROVISIONS, ONE OF THOSE PROVISIONS SAYS THAT A PAN MEDICAL MEMBER MAY NOT SPEAK OUT ON A CASE IN A WAY

THAT INDICATES BYE BYE I CAN'T SAY OR PREJUDGMENT BEFORE HE OR SHE HAS PROPERLY PLAYED HIS ROLE ON THAT CASE. THE SECOND CONFLICT OF INTEREST RULE SAYS THAT IN A SET OF CASES THAT WE CALL CRITICAL INCIDENTS, WHERE SOMEONE IS BADLY HURT, INJURED OR KILLED, WE HAVE PRESERVED THE RIGHT OF THE CITIZENS PANEL TO MAKE A DISCIPLINARY RECOMMENDATION TO THE CHIEF. THERE IS ABSOLUTELY NO RESTRICTION ON HOW THEY MAKE THAT RECOMMENDATION, THEY CAN CRAFT IT IN WAY THEY WANT TO. THE CHIEF HAS IT BEFORE HE MAKES HIS FINAL DISCIPLINARY DECISION. BUT AFTER THE CHIEF HAS MADE HIS DISCIPLINARY DECISION THE CONTRACT SAYS THAT THE PANEL IS BOUND TO THAT RECOMMENDATION. THEY CANNOT COME OUT AND SAY THINGS DIFFERENTLY THAN WHAT THEY SAID IN THE RECOMMENDATION.

I THINK WHAT I'LL DO NOW IS MOVE INTO THE FINANCIAL PACKAGE AND THEN HANDLE THE OFFICERS RIGHTS AS PART OF Q AND A. IN THE FINANCIAL PACKAGE I THINK THERE ARE A COUPLE OF THINGS THAT WANT TO TALK ABOUT THAT ARE JUST DIFFERENT THAN IN PREVIOUS CONTRACTS. MOST IMPORTANTLY IS THE 2% PUBLIC SAFETY PREMIUM. THE CONCEPT BEHIND THAT PREMIUM IS THIS. RIGHT NOW IN THE CONTRACT LANGUAGE WE HAVE LOADED \$33.4 MILLION. THIS GIVES OFFICERS A GUARANTEE 2% PUBLIC SAFETY PREMIUM AND EACH OF THE YEARS 2 THROUGH FIVE OF THE CONTRACT. THIS YEAR, LIKE ALL OTHER CITY EMPLOYEES, OFFICERS ARE NOT GETTING A RAISE. BUT IN YEARS 2 THROUGH 5 THEY ARE GUARANTEED THE PUBLIC SAFETY PREMIUM. ON TOP OF THAT, ON AN ANNUAL BUDGETING BASIS, WE HAVE THE ABILITY TO DETERMINE WHAT ALL OTHER CITY EMPLOYEES GET. AND IN AUSTIN WE DO THAT BASED ON PERFORMANCE EVALUATIONS. AND EMPLOYEES TYPICALLY GET ABOUT 3% FOR MEETING EXPECTATIONS AND TYPICALLY ABOUT 5% FOR EXCEEDING EXPECTATIONS. IN SOME YEARS IT'S LOWER, SOME YEARS HIGHER. BUT ON BALANCE THE DIFFERENCE BETWEEN WHAT AN -- WHAT A REGULAR CITY EMPLOYEE GETS FOR MEETING EXPECTATIONS AND EXCEEDING EXPECTATIONS IS ABOUT 2%. WHAT THE CONTRACT SAYS IS WHAT THE OFFICER WILL GET WITH THE

EMPLOYEE WHO MEETS EXPECTATION RECEIVES IN ANY ANNUAL FISCAL CYCLE PLUS THE PUBLIC SAFETY PREMIUM. AND WHEN WE WERE CONCEPTUALIZING THE PUBLIC SAFETY PREMIUM, THE IDEA WAS THIS WILL PAY AN OFFICER, FIREFIGHTER, E.M.S. WORKER ABOUT WHAT AN EXCEPTIONAL CITY EMPLOYEE MAKES. THAT IS THE CONCEPT. WHAT'S NICE FOR THE CITY IS THAT ONLY THE TWO PERCENT IS IN THE CONTRACT, THE REST OF IT WE CAN CONSIDER AS PART OF THE ANNUAL BUDGETING PROCESS AND MAKE THE DECISION ABOUT WHETHER OR NOT THE EXPENDITURE CAN BE SUPPORTED BY THE REVENUES. THE SECOND ITEM WHICH I ALREADY MENTIONED IS THE FIVE YEAR TERM. I THINK FOR THE MOST PART THIS RECOGNIZES THE FACT THAT WE HAVE ACHIEVED MOST OF OUR MANAGEMENT GOALS. WHETHER THE MEET AND CONFER TOOL WAS BEING DECENTED THE INCENTIVE FOR THE CITY WAS THE ABILITY TO ALTER THE CIVIL SEVEN LAW. WE HAVE ALTERED IT TO THE EXTENT THAT WE THINK BENEFITS THE DEPARTMENT. DO YOU WANT TO KEEP ON, TALK MORE ABOUT THE FINANCIAL PACKAGE OR SWITCH AND DO OFFICER'S RIGHTS. LET ME GO ON WHILE WE ARE TALKING MONEY DO THAT, THEN WE WILL MOVE BACK, LAURA. THERE'S BEEN A GREAT DEAL OF DISCUSSION ABOUT BOTH THE BUDGET PROCESS, THE BUDGET MESSAGE AND THE COST OF THIS CONTRACT. THE PREVIOUS THREE YEAR MEET AND CONFER CONTRACT TOTALED 40 MILLION DOLLAR AND OBLIGATED THE COST OF BOTH THE PROJECTED GENERAL WAGE INCREASES AS WELL AS THE INDEGREE MENTAL CONTRACTUAL INCREASES. SO IF YOU HAD ASSUMED A THREE AND A HALF PERCENT PAY INCREASE ALONG WITH THE NEW PROPOSED CONTRACT PROVISIONS, SO LET'S TRY TO GET IT IN THE APPLES TO APPLES COMPARISON. THE 2% PUBLIC SAFETY PREMIUM AND SPECIALTY PAY THE TOTAL VALUE OF THE PROPOSED CONTRACT, THE FIRST THREE YEARS OF THE NEW PROPOSED CONTRACT WOULD TOTAL 22.7 MILLION. APPLES TO APPLES, IN THREE YEARS YOU ARE LOOK KNOWLEDGE AT 40 MILLION, COMPARED TO 22.7 MILLION. THIS IS EXACTLY CONSISTENT WITH OUR CONTRACT NEGOTIATION GOALS OF REDUCING THE GROWTH OF THE COST DRIVERS. THE COST DRIVERS HAVE BEEN OUR BUDGET MESSAGE, THAT IS EXACTLY OUR BUDGET MESSAGE. BECAUSE OF THE HEAVY

LIFTING, THIS COUNCIL AND THIS ORGANIZATION HAS DONE OVER THE LAST TWO AND A HALF YEARS, WE HAVE REACHED STRUCTURAL BALANCE IF OUR BUDGET. IN OUR BUDGET. ONE OF THE SPEAKERS SAID THAT WE WERE RATING IN A DEFICIT. WE WERE IN FACT ONE OF THE ONLY MAJOR CITIES IN TEXAS WHO IS NOT OPERATING IN A DEFICIT. WE ARE SPENDING EXACTLY WHAT WE ARE BRINGING IN IN IN THIS BUDGET YEAR. WE USED NO BUDGET TRICKS. NO CONTINGENCY. WE REDUCED OUR EXPENDITURES, WE LOOKED AT OUR REVENUE AND WE PRODUCED A BUDGET THAT SPENT WHAT WE BROUGHT IN AND WE TUCKED AWAY ALL ONE-TIME MONEY IN WHAT SOMEONE REFERRED TO AS A RAINY DAY FUND BUT IN A VERY LARGE CONTINGENCY FUND TO HELP THIS COMMUNITY AS WE PULL OUT OF THIS RECESSION. A MAJOR PART OF OUR COST DRIVERS, A MAJOR PART OF WHAT WAS DRIVING OUR EXPENDTURES ABOVE OUR REVENUE. WE MOVED TO A NEW CONCEPT. THE PUBLIC SAFETY PREMIUM. SOMETHING THAT COULD HELP REDUCE THE GROWTH OF THE COST DRIVERS. WHEN YOU DO A THREE YEAR TO THREE YEAR COMPARISON, INCLUDING EVERYTHING, ASSUMING THE GENERAL WAGE INCREASE, ASSUMING THE SPECIALTY PAY INCREASES AND THE 2% PREMIUM, FROM THE PRIOR CONTRACT TO THIS CONTRACT, YOU ARE LOOKING AT A 43% DECREASE IN COSTS. THAT'S THE BUDGET MESSAGE, THAT'S WHAT WE TRIED TO ACCOMPLISH IN THIS CONTRACT. THE PUBLIC SAFETY PREMIUM WAS AN EFFORT TO MANAGE THE NUMBER ONE COST DRIVER IN THE CITY BUDGET. WHICH IS PUBLIC SAFETY. TWO YEARS AGO, WHEN WE CONFRONTED THE WORST ECONOMIC DOWNTURN IN DECADE, THE CITY WAS FORCED TO ELIMINATE PAY INCREASES FOR CITY EMPLOYEES. AND ULTIMATELY TO LAY EMPLOYEES OFF. AND DURING THAT SAME YEAR, WE WERE OBLIGATED TO GIVE OFFICERS A SIX PERCENT PAY INCREASE AS PART OF AN OBLIGATED MEET AND CONFER CONTRACT. MOVING TO THE PUBLIC SAFETY PREMIUM, PREVENTS THAT FROM OCCURRING. IT ALLOWS US TO INDEX BY THE CONTRACT HOW WE MANAGE THE DISCRETION OF OFFICER'S PAY RAISE. IT ALLOWS THE CITY TO INDEX RAISES TO THE ECONOMY. ADDITIONALLY THE CITY IS, IF THE CITY IS UNABLE TO PROVIDE ALL EMPLOYEES WITH PAY RAISES FOR THREE CONSECUTIVE YEARS, THE

PUBLIC SAFETY PREMIUM IS FROZEN. AND THEN LAURA HAS ALREADY SAID AS WITH ALL OTHER CITY EMPLOYEES THERE IS NO PAY INCREASE THIS YEAR. THERE WAS A LOT OF DISCUSSION ABOUT COMPARATIVE PUBLIC SAFETY PREMIUM. ONE OF THE SPEAKERS THAT WE SPOKE ABOUT OVER A 10% INCREASE SINCE 1996 AS A FUNCTION OF THE MEET AND CONFER CONTRACT AND I WOULD AGREE THAT INCREASE HAS BEEN PRIMARILY A FUNCTION OF THE MEET AND CONFER CONTRACT OF THE PERCENT OF OUR GENERAL FUND BUDGET SPENT ON PUBLIC SAFETY. BUT LET ME ALSO PUT THAT INTO CONTEXT. BECAUSE AT THAT TIME I WAS AN ASSISTANT CITY MANAGER OVER PUBLIC SAFETY. WHEN WE REVIEWED OUR PER CAPITA SPENDING ON PUBLIC SAFETY, PARTICULARLY POLICE, AGAINST EVERY OTHER MAJOR CITY IN TEXAS, WE WERE AT THE LOWEST PER CAPITA SPENDING ON PUBLIC SAFETY OF ANY MAJOR CITY IN TEXAS. TODAY THAT IS NOT TRUE BECAUSE THE RATE OF INCREASE HAS BEEN VERY LARGE WITH THE WAY WE WERE HANDLING THE MEET AND CONFER CONTRACTS. ONCE AGAIN OUR REASON TO CHANGE HOW WE HAVE BEEN DOING IT, WHAT WE HAVE DONE WITH THE 2% PREMIUM. TODAY SALES AND PROPERTY TAX MAKE UP 58% OF THE GENERAL FUND BUDGET AND THIS IS APPROXIMATELY THE AMOUNT OF THE GENERAL FUND BUDGET THAT IS SPENT ON PUBLIC SAFETY AS A WHOLE, THAT'S POLICE, FIRE AND EMERGENCY MEDICAL SERVICES. AUSTIN FALLS JUST ABOUT SMACK IN THE MIDDLE OF THE OTHER MAJOR TEXAS CITIES ON A PER CAPITA EXPENDITURE ON POLICE. THERE'S ONE AN NO LEE CITY -- WHICH IS SAN ANTONIO. OUTSIDE OF TAKE ANOMALY ALL MAJOR TEXAS CITIES FALL IN ABOUT A 7% RANGE. THAT RATE OF GROWTH HAS TAKEN US INTO THE MIDDLE OF PER CAPITA EXPENDITURES ON POLICE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

NOW, WHAT IS TRUE IS IN THE FIVE-YEAR FORECAST, IN THE TIME IT WAS A THREE-YEAR FORECAST BECAUSE OF THE RECESSION WE HAD DROPPED BACK FROM A FIVE-YEAR FORECAST TO A THREE-YEAR FORECAST. WE HAD ONE MORE YEAR WHERE OUR COST DRIVERS ARE GOING TO TAKE US IN TO STRUCTURAL IMBALANCE. AND THAT'S THE 29-MILLION-DOLLAR GAP YOU HAVE HEARD, WHICH WAS THE FIRST OF THE PROJECTED -- THE EARLY PROJECTION OF A

GAP FOR NEXT FISCAL YEAR. WE'VE NEVER STOPPED. ALL OF OUR COST CONTAINMENT, ALL OF OUR EFFICIENCY INITIATIVES, FOR EXAMPLE, ALREADY IN THE FIRST QUARTER OF THIS YEAR WE HAVE IDENTIFIED ALMOST FIVE MILLION DOLLARS TOWARDS THAT GAP. ON OUR SALES TAX NUMBERS ON OUR GROWTH PROKES WITH WHERE WE ARE NOW AND OUR CURRENT PROJECTIONS WE'RE GOING TO BE EIGHT MILLION AHEAD IN '05'04 AND '05 JUST IN THE SALES TAX NUMBER. THAT DOESN'T CLOSE THE WHOLE 29 MILLION, BUT THESE ARE THE KINDS OF THINGS WE ARE DOING AS WE MOVE THROUGH TO OUR '05 BUDGET. THE LAST OF THE PROJECTED BUDGET THAT WE'RE GOING TO PUT US IN STRUCTURAL BALANCE FOR OUR COST DRIVERS, TAKE OUR EXPENDITURES ABOVE OUR REVENUE STREAM. IN ALL OF THOSE YEARS THE ASSUMPTIONS ARE THE EFFECTIVE TAX RATE. IN ALL OF THOSE YEARS THE SALES TAX RATE IS AT TWO PERCENT. AND CURRENTLY IT PROJECTED TO BE AT FOUR PERCENT BY THE END OF THE YEAR. THOSE ARE FAIRLY CONSERVATIVE SALES TAX NUMBERS NOW. THE COMMUNITY WORKED HARD AS DID THIS ORGANIZATION TO PUT US INTO STRUCTURAL BALANCE. AND IT PART OF ALL OF OUR FORECAST AND ALL OF OUR BUDGETING, THE COST OF THIS CONTRACT WAS LOADED INTO ALL OF THOSE ASSUMPTIONS. AND LAURA, GO ON TO THE LAST PIECE OF THIS.

OKAY. WHAT I'D LIKE TO DO TALK ABOUT OFFICERS' RIGHTS. I THINK THE SIMPLEST WAY TO TALK ABOUT IS TO DESCRIBE WHAT AN OFFICER HAS ACCESS WHEN AN ALLEGATION HAS BEEN FILED AGAINST HIP. I'M GOING TO ASK THE CHIEF TO COME UP. WE'VE TALKED ABOUT THE VALUES OF EDUCATION AND TENURE AND HOW WE'VE USED THE MEET AND CONFER PROCESS TO PROMOTE THOSE. BUT ONE THING I DIDN'T HAVE A CHANCE TO SAY IS THAT OVER A THIRD OF THE MEN AND WOMEN IN THE AUSTIN POLICE DEPARTMENT HAVE EITHER AN UNDERGRADUATE, GRADUATE OR PH.D. NOW. AND I THINK THAT SPEAKS VOLUMES ABOUT HOW FAR WE'VE GONE WITH THAT VALUE OF PROMOTING EDUCATION. ANOTHER 20% HAVE 60 HOURS OF COLLEGE OR AN ASSOCIATE'S DEGREE. SO WE'VE MADE A LOT OF HEADWAY WITH THESE VALUES, AND I THINK SOME OF THE TOOLS IN THIS CONTRACT HAVE ALLOWED US TO

SEND THE MESSAGE THAT HERE'S THE KIND OF PERSON WE WANT IN THIS DEPARTMENT, AND WE'RE GETTING THEM.

I THINK I SHOULD SAY GOOD MORNING. I'D LIKE TO TALK ABOUT THE ADMINISTRATIVE CHANGES TO THE ADMINISTRATIVE INVESTIGATION PROCESS. I'D LIKE TO TALK ABOUT THREE THINGS. WHAT THE OFFICER SEES BEFORE THE INTERVIEW, WHAT HE SAYS PRIOR TO THE DISCIPLINE REVIEW BOARD AND THEN TALK A LITTLE BIT ABOUT A CHANGE IN THE RETALIATION SECTION OF THE CONTRACT. WHAT THE OFFICER SEES -- RECEIVES BEFORE THE INTERVIEW. CURRENTLY WHEN AN OFFICER IS GOING TO BE INTERVIEWED, 48 HOURS UNDER CIVIL SERVICE LAW, 48 HOURS, HE GET A SYNOPSIS OF THE CHARGES THAT HE'S GOING TO BE INTERVIEWED ON. THAT'S CALLED A NOTICE OF ALLEGATION, AND I READ AN EXAMPLE, I THINK TWO WEEKS AGO WHEN WE TALKED ABOUT THE CONTRACT. IN THE NEW CONTRACT NOT ONLY WILL HE RECEIVE THIS NOTICE OF ALLEGATION, BUT HE'LL ALSO RECEIVE A COPY OF THE COMPLAINT FORM ITSELF THAT WAS FILLED OUT BY EITHER THE OFFICER WHO MADE A COMPLAINT, ABOUT MISCONDUCT, OR A CITIZEN WHO IS MAKING A CITIZEN COMPLAINT ABOUT MISCONDUCT. AND THAT AGAIN WILL BE A VERY SHORT SUMMARY OF THE A LITTLES THAT THE OFFICER IS GOING TO BE -- THE ALLEGATIONS THAT THE SPEAKER IS GOING TO BE -- THAT THE OFFICER IS GOING TO BE INTERVIEWED ON. I SIGH THIS AS WHAT MIGHT BE -- SEE THIS AS WHAT MIGHT BE PARAPHRASED AS A MINOR CHANGE IN THAT PROCESS SINCE CIVIL SERVICE LAW REQUIRES US TO GIVE HIM THE NOTICE OF ALLEGATIONS IN THE FIRST PLACE. PRIOR TO THE INTERVIEW AGAIN, HE WILL BE ALLOWED TO SEE ANY PHOTOGRAPHS, VIDEOS OR RECORDINGS SUCH AS RECORDINGS FROM HIS VEHICLE CAMERA, OF CONDUCT OF THE OFFICER. HE'LL ALSO BE ABLE TO SEE ANY PHOTOGRAPHS OF THE INJURIES OF THE COMPLAINANT. AND IF THE OFFICER WROTE A REPORT ON THE INCIDENT, HE'LL BE ABLE TO REFRESH HIS MEMORY BY READING THAT REPORT. NOTHING REMEMBERS US TO PROVIDE AN OPPORTUNITY FOR THE OFFICER TO SEE THAT A WEEK BEFORE THE INTERVIEW. IN FACT, IT WILL BE UP TO THE INVESTIGATOR WHEN HE PROVIDES THAT. HE COULD VERY WELL PROVIDE IT MINUTE BEFORE THE INTERVIEW,

MOW LOU THE OFFICER AND IF HE HAS AN REPRESENTATIVE THERE, TO SEE THAT. I WOULD SAY THAT IN MOST CASES THE OFFICER DURING THE INTERVIEW WILL BE SHOWN THESE THINGS ANYWAY AS INTERNAL AFFAIRS WALKS HIM THROUGH THE INCIDENT AND TALK TO HIM. I WOULD LIKE TO POINT OUT THAT I'VE BEEN THINKING ABOUT THIS A LOT AND I'VE BEEN ASKED, BECAUSE IT'S IMPORTANT THAT WE GET TO THE TRUTH. WILL THIS FEAK OUR ABILITY TO GET TO THE TRUTH. NAND REALITY, I BELIEVE IT WILL ENHANCE OUR ABILITY TO GET TO THE TRUTH. A BRUISE, A PHOTOGRAPH OF A BRUISE IS -- CAN'T BE ALTERED. A VIDEOTAPE FROM A PATROL CAR OF AN INCIDENT CAN'T BE ALTERED. AND THOSE ARE FACTUAL RECORDINGS OF EVENTS THAT THE OFFICER WILL THEN HAVE TO DISCUSS WITH THE INTERNAL AFFAIRS INVESTIGATOR. SO I DON'T SEE THAT AS A HINDRANCE AT ALL TO THE INVESTIGATION. NOW, IF WE BELIEVE THAT THE OFFICER HAS LIED, IF THERE'S AN ISSUE WITH HONESTY, WE ARE -- WE WILL PROVIDE THAT OFFICER WILL THAT PART OF THE INVESTIGATION, THAT PART OF A REPORT THAT WAS WRITTEN, THAT WE BELIEVE WAS IN FACT IN QUESTION REGARDING HONESTY. AGAIN, IF THE INTERNAL AFFAIRS INVESTIGATOR BELIEVES THAT AN OFFICER HAS NOT BEEN TRUTHFUL IN A DOCUMENT OF OUR PREVIOUS INTERVIEW, HE'S GOING TO SHOW HIM PROBABLY THOSE SAME THINGS. BUT IN THIS CASE THE CONTRACT ALLOWS THE OFFICER TO SEE WHAT THE ALLEGATION IS BASED ON. THE SECOND IS WHAT THE OFFICER GETS AFTER HIS INTERVIEW. UPON THE CONCLUSION OF THE INVESTIGATIVE PROCESS, IF INTERNAL AFFAIRS SUSTAINS POLICY VIOLATIONS, A DISCIPLINE REVIEW BOARD IS AUTOMATICALLY SCHEDULED. AT THE SAME TIME, THE OFFICER'S CHAIN OF COMMAND GETS A COPY OF THE INVESTIGATION. AT THIS TIME THE OFFICE UNDER THE CURRENT CONTRACT, THE OFFICER WOULD GET AN OPPORTUNITY TO VIEW THAT FILE FOR ONE HOUR. UNDER THE NEW CONTRACT HE GET THE OPPORTUNITY TO VIEW IT FOR THREE HOURS PRIOR TO THE DISCIPLINE REVIEW BOARD. AND THIS -- AND THE DISCIPLINE REVIEW BOARD OF COURSE IS HIS OPPORTUNITY TO COME IN, LOOK THE CHIEF IN THE EYE, TELL THE CHIEF WHY HE VIOLATED POLICY OR PRESENT EVIDENCE THAT HE WOULD LIKE ME TO CONSIDER IN MAKING A TIME DECISION WITH REGARD TO THE

VIOLATION AND THE APPROPRIATE DISCIPLINE. THE LAST ONE IS THE RETALIATION CLAUSE. IT'S GETTING A LOT OF PRINT, AND I THOUGHT A LOT ABOUT WHAT I WAS GOING TO SAY HERE TONIGHT ABOUT THAT. THE CURRENT POLICY, THE CURRENT CONTRACT SAYS THAT IF THERE IS A RETALIATION VIOLATION, THEN IT'S AUTOMATIC DISMISSAL. HOWEVER, THE OFFICER STILL HAS THE RIGHT TO THE APPEAL THAT TO AN ARBITRATOR WHO HAS A FINAL DECISION IN ALL DISCIPLINES. IF THE ARBITRATOR -- AND THE ARBITRATOR RULES ON WHETHER A VIOLATION OCCURRED, ACCORDING TO THE CONTRACT HE CANNOT ALTER THE DISCIPLINE. BUT WE KNOW THAT IF AN ARBITRATOR GETS A CASE OF, LET'S SAY, THAT INVOLVES A SIMPLE -- MAYBE A COMMENT TO ANOTHER OFFICER IN A BRIEFING, NOT A SERIOUS VIOLATION, AND HE SENSES THAT THE INDEFINITE SUSPENSION IS INAPPROPRIATE, QUITE HONESTLY, HE'S GOING TO RULE IN FAVOR OF THE EMPLOYEE, AND THAT EMPLOYEE WOULD WELL WALK AWAY AFTER AN INCIDENT WITHOUT ANY DISCIPLINE AT ALL. WHAT WE DID WAS ALTER THAT SECTION TO GIVE US THE ABILITY TO TERMINATE AN EMPLOYEE OR TO PROVIDE HIM WITH A SUBSTANTIAL SUSPENSION. AGAIN, IN THIS CONTRACT IT'S THE SAME CLAUSE THAT SAYS THE ONLY THING THE ARBITRATOR IS GOING TO RULE ON IS WHETHER THE POLICY WAS VIOLATED AT ALL. AND HE WOULD HAVE TO ACCEPT THE DISCIPLINE. SO I THINK THAT IT ALLOWS MORE APPROPRIATE DISCIPLINE, IT ALLOWS DISCIPLINE THAT I THINK WILL HOLD UP UNDER THE SCRUTINY OF AN INDEPENDENT ARBITRATOR AS HE MAKES HIS RULING. AGAIN, I CAN TELL YOU THAT IN MY OPINION THERE IS -- THERE IS NOTHING IN THIS CONTRACT THAT I THINK WILL HINDER OUR ABILITY TO GET TO THE TRUTH. I WANT TO REMIND ALL OF THE COMMUNITY IN AUSTIN THAT WE NOW ARE VERY TRANSPARENT IN OUR DISCIPLINE PROCESS. AND IN FACT, THAT I COULD NOT STAND IN FRONT OF YOU THREE YEARS AGO AND SAY THAT THE ENTIRE -- VIRTUALLY THE ENTIRE FILE OF AN INTERNAL AFFAIRS INVESTIGATION THAT RESULTS IN DISCIPLINE WOULD BE MADE OPEN TO THE PUBLIC, AND TODAY IT IS. TODAY IT IS. SO WITH THAT, IF THERE'S NO QUESTIONS, I'LL TURN IT BACK TO LAURA.

AND THEN I'LL GOING TO FOLLOW UP WITH JUST THREE

QUICK THINGS. THERE WAS A DISCUSSION ON DIVERSITY IN THE DEPARTMENT. ONE OF THE SPEAKERS SAID THEY DIDN'T THINK THE CONTRACT HAD ENOUGH THAT WOULD HELP US KEEP AND CREATE DIVERSITY IN OUR DEPARTMENT. AND I THINK THAT'S VERY IMPORTANT TO CORRECT THE RECORD ON THAT. CURRENTLY, OUR DEPARTMENT ACTUALLY REFLECTS OUR COMMUNITY, THE OVERALL DEPARTMENT AND THE SWORN DEPARTMENT. IN ADDITION TO THAT -- AND PART OF THIS IS UNDERSTANDING HOW CIVIL SERVICE WORK AND HOW SLOWLY YOU CAN MOVE THROUGH RANKS, SO IT IS DIFFICULT THEN WHEN YOU HAVE MADE HEADWAY IN DWRSTY -- DIVERSITY IN THE BEGINNING TO THEN SPREAD THAT DIVERSITY THROUGH THE RANKS, BECAUSE IT TAKES TIME IN THE VERY STEPS IN THE STAGE OF CIVIL SERVICE PROCESS. SO AN OVERALL DEPARTMENTAL REPRESENTATION THAT ACTUALLY EXCEEDS THE PROPORTIONAL REPRESENTATION IN OUR COMMUNITY, BUT WE'RE GETTING STRONG REPRESENTATION NOW IN THE RANKS. SO, FOR EXAMPLE, THE EXECUTIVE TEAM OF THE DEPARTMENT IS 33% AFRICAN-AMERICAN. WE HAVE JUST RECENTLY PROMOTED OUR FIRST AFRICAN-AMERICAN COMMANDER, WHICH IS THE SECOND HIGHEST RANK AND HAS NEVER HAD AN AFRICAN-AMERICAN REPRESENTATIVE BEFORE. AND THEN GOING THROUGH THE OTHER RANKS, AFRICAN-AMERICANS REPRESENT NINE PERCENT OF THE LIEUTENANT RANK ALMOST PROPORTIONAL TO THE POPULATION, 11% OF THE SERGEANT RANK, PROPORTIONAL, 11% SPEAKER OF THE CORPORAL RANK, PROPORTIONAL. AND SIX PERCENT OF THE DETECTIVE RANK WHERE WE STILL HAVE WORK TO DO. AND EVEN AT THE LIEUTENANT RANK, WE OFFER PROPORTION NAL. AND A LOT OF WHICH IS ATTRIBUTABLE TO THE KIND OF THING THAT ARE IN THIS CONTRACT. THERE WAS A QUESTION OR A STATEMENT MADE THAT -- IN THE DEAN REPORT THAT WAS DONE MANY YEARS AGO THAT A STATEMENT THAT THE DISCIPLINE WAS NOT CONSISTENT AND DIDN'T PROVIDE FOR THE ACCOUNTABILITY. THIS IS PROBABLY SOMETHING THAT I'M NOT SURE THE CHIEF PROBABLY WILL LOVE THE FACT THAT I'M GOING TO SAY, CHIEF, BUT I'M GOING TO SAY IT ANYWAY. ACCOUNTABILITY DOES COME WITH DISCIPLINE IN A DEPARTMENT, AND SINCE THIS CHIEF HAS TAKEN OVER THIS DEPARTMENT ON

AVERAGE OVER THE FIVE YEARS HE HAS BEEN CHIEF OF THIS DEPARTMENT, STRICTER DISCIPLINE RATES HAVE INCREASED AN AVERAGE OF 35% IN THIS DEPARTMENT FROM PRIOR CHIEFS. AND IN THE FIRST YEAR IT WAS A 69% INCREASE. AND YES, ACCOUNTABILITY DOES COME WITH STRICTER DISCIPLINE RATES. AND THE LAST THING IS ACTUALLY SOMETHING THAT'S CLOSE TO MY HEART BECAUSE I STARTED IN HEALTH AND HUMAN SERVICES IN PUBLIC SERVICE, IS THE DISCUSSION OF THE CITY'S INVESTMENT IN SOCIAL SERVICES. AND I'LL NOT GOING TO SAY THAT ANY INVESTMENT A CITY MAKES IS ENOUGH ON THE FRONT END IN HUMAN AND SOCIAL SERVICES. I MEAN, WE ALL KNOW THAT YOU'RE LOOKING AT A FRONT AND TAIL END SITUATION WHEN YOU'RE TALKING ABOUT AN INVESTMENT IN PUBLIC SAFETY AND AN INVESTMENT IN SOCIAL SERVICES. BUT THIS CITY HAS A TREMENDOUS RECORD FOR INVESTMENT IN SOCIAL SERVICES. IN THE SAME WAY WE MAKE A BIG INVESTMENT IN PUBLIC SAFETY, WE MAKE A LARGE, LARGE INVESTMENT IN SOCIAL SERVICES. CITY TO CITY, COMPARING UP WITH DALLAS, FORT WORTH, SAN ANTONIO, WE SPEND ANNUALLY 86% MORE THAN DALLAS, 30% MORE THAN FORT WORTH, AND 60% MORE THAN SAN ANTONIO. AND I CAN RUN THAT TO YOU PER CAPITA OR IN GROWTH. THAT'S NOT A BAD THING, THAT'S A THING TO BE PROUD OF. IT NOT SAYING IT'S ENOUGH, BUT WE MADE A CHOICE ON BOTH SIDES OF THE TABLE TO HAVE A WELL PAID POLICE DEPARTMENT AND HAVE A SUBSTANTIAL, SIGNIFICANT INVESTMENT IN SOCIAL SERVICES. LAURA, DO YOU HAVE A WRAP-UP, SOMETHING LEFT?

I THINK WE'VE COVERED MOST OF IT. MAYOR AND COUNCIL, I THINK PROBABLY WHAT I'D LIKE TO DO NOW IS JUST PAUSE AND SUE IF WE HAVE ANY QUESTIONS THAT WE CAN FIELD FROM YOU.

Slusher: MAYOR, I HAVE SOME.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: LET'S GO OVER A LITTLE BIT THE OFFICER PROBATIONARY PERIOD AND HOW THAT'S LENGTHENED IN THIS CONTRACT.

LET ME START WITH CIVIL SERVICE LAW, WHAT CIVIL SERVICE LAW SAYS IS THAT AN OFFICER IS ON PROBATION FOR 12 MONTHS AND THE CLOCK STARTS TICKING WHEN THE OFFICER IS HIRED. THE PROBLEM IN THE AUSTIN POLICE DEPARTMENT IS THAT FOR THE FIRST 10 MONTHS HE'S EITHER IN THE ACADEMY OR IN FIELD TRAINING, WHICH ONLIEST US TWO MONTHS TO EVALUATE AN OFFICER WHO IS IN THE FIELD FUNCTIONING IN THE ROLE OF PATROL OFFICER. SO WE DID TWO THINGS WITH THE PROBATIONARY PERIOD. FIRST, WE MADE IT BEGIN WHEN THE OFFICER GRADUATED FROM THE POLICE ACADEMY AND THEN WE EXTENDED IT FOR 18 MONTHS. WHAT THIS DOES IS GIVE US WHEN THE PERSON IS FUNCTIONING IN THE ROLE OF OFFICER WHETHER OR NOT THIS IS A PERSON WHO SHOULD BE A LONG-TERM EMPLOYEE OF THE AUSTIN POLICE DEPARTMENT WITHOUT THE RESTRICTION OF CIVIL SERVICE LAW.

LAURA, YOU SAID 18. DID YOU MEAN 15?

I DID MEAN 15.

Futrell: SO GRADUATION FROM THE ACADEMY THND THEN 15 MONTHS PAST THAT. THEN DURING THAT PERIOD THERE IS A LOT OF DISCRETION IN THE ABILITY TO DECIDE WHETHER OR NOT SOMEONE IS A GOOD FIT IN THE AUSTIN POLICE DEPARTMENT BECAUSE ONCE THAT PERIOD IS OVER AND CIVIL SERVICE LAW BECOMES A VERY BRIGHT LINE ON FIRING AND TERMINATION.

Slusher: AND MY NEXT QUESTION WAS -- I WANT TO GO BACK OVER THIS BECAUSE MY NEXT QUESTION WAS TO COMPARE THAT TO SIEVE SERVICE AND GO THROUGH SOME OF THE OTHER PARTS OF THE CONTRACT TO COMPARE THOSE TO CIVIL SERVICE, BUT LET'S JUST REVIEW THIS. SO RIGHT NOW THE -- THE OFFICERS ARE ON PROBATION FOR A YEAR, BUT TEAR IN THE ACADEMY FOR SEVEN MONTHS AND THEN THEY'RE WITH A TRAINING OFFICER --.

IN THE FIELD TRAINING, CORRECT.

Slusher: SO THERE'S ACTUALLY ONLY TWO MONTHS THEY ARE ON THEIR OWN THAT THEY CAN BE EVL WAITED DURING

THE PROBATIONARY PERIOD.

THAT'S CORRECT.

Slusher: SO NOW IT'S 15 MONTHS, BUT THAT DOESN'T INCLUDE THE SEVEN MONTHS IN THE ACADEMY.

THAT'S CORRECT.

Slusher: SO THEY WOULD HAVE THEIR THREE MONTH WITH THE TRAINING OFFICER, AND THEN A YEAR ON PROBATION WHEN THEY'RE IN THE FEEVMENTD.

AND WHAT HAPPENS IS WHEN AN OFFICER IS IN THAT PROBATIONARY PERIOD, THEY ARE AT AT-WILL EMPLOYEE IN THE SIMPLEST TERMS. IT'S A PROPERTY RIGHT AND IT MUCH MORE DIFFICULT TO TAKE DISCIPLINARY ACTION OR TO FIRE SOMEONE.

Slusher: SO REALLY IT ADDS 10 MONTHS OF THAT PERIOD WHEN THEY'RE ACTUALLY ON THE STREET WITHOUT THE TRAINING OFFICER, BUT THEY'RE ON PROBATION. JUST GO THROUGH SOME OF THE OTHER PARTS OF THE CONTRACT AND COMPARE WHAT THE SITUATION IS UNDER THE CONTRACT AND WITH CIVIL SERVICE. I'M SORRY IF THAT'S A BROAD QUESTION.

ON PAGE 1... WE'LL TAKE IT CATEGORICALLY.

Futrell: IT IS 12:15, BUT DO HIT THE HIGHLIGHTS.

IN CIVIL SERVICE I THINK ACROSS THE BOARD IT'S TWO YEARS IN TIME AND PLACE BEFORE YOU CAN PROMOTE TO THE NEXT AVAILABLE RANK. AND THE OTHER WAY THAT WE WORKED IT PRESERVING TENURE IN PATROL WAS TO EXTEND THAT TO FIVE YEARS. SO YOU CANNOT PROMOTE OUT OF PATROL INTO EITHER DETECTIVE OR CORPORAL UNTIL YOU'VE SERVED FOR FIVE YEARS. SO THAT EXTEND FOR THREE YEARS THE CIVIL SERVICE TWO-YEAR REQUIREMENT.

Slusher: AND TELL US WHAT THAT'S INTENDED TO RESULT IN.

THE PURPOSE THERE IS WHEN PEOPLE BEGIN PROMOTING INTO THE RANGZ OF THE POLICE DEPARTMENT, ONE, WE WANT TO MAKE SURE THAT THEY UNDERSTAND THE STREETS OF AUSTIN. THAT'S IMPORTANT. AS THEY MOVE INTO DETECTIVE JOBS AND SUPERVISORY ROLES AND MANAGERIAL ROLES, IT IS IMPORTANT THAT THEY UNDERSTAND HOW POLICING WORKS IN AUSTIN, SO IT BUILDS AN EXCELLENT KNOWLEDGE BASE FOR AN OFFICER WHO WANTS TO PROMOTE THROUGH THE RANKS. IT ALSO HELPS PROMOTE TENURE IN THE STREET. ONE OF THE THINGS WE FOUND OVER THE PAST SEVERAL YEARS IS WE HAVE GROWN VERY QUICKLY. AUSTIN WENT THROUGH A MAJOR GROWTH SPURT IN THE '90'S AND THE POLICE DEPARTMENT GREW ACCORDINGLY. WHAT THAT DID IS BROUGHT TENURE IN THE DEPARTMENT DOWN. AND BECAUSE THE FIRST JOB YOU HAVE IS IN PATROL, THAT'S WHERE WE SAW THE REDUCTION IN TENURE. THIS IS AN EFFORT ON OUR PART TO REBUILD TENURE IN THAT PATROL DIVISION.

Futrell: AND I THINK THAT ANOTHER IMPORTANT PART HERE IS WHEN WE GO BACK TO SOME OF THE CONCERNS RAISED, FOR EXAMPLE, IN THE GRAND JURY REPORT, ONE OF THOSE INVOLVED TENURE AND LIFE EXPERIENCES OF AN OFFICER. AND THIS IS ONE OF THE TOOLS TO TRY AND INCREASE PATROL TENURE.

CIVIL SERVICE SAYS THAT WHEN YOU COME INTO THE SYSTEM AND WHEN YOU PROMOTE THROUGH THE SYSTEM, THAT DECISION WILL BE BASED ON YOUR SCORE ON A MULTIPLE CHOICE EXAM. GOOD TEST TAKERS PROMOTE QUICKLY. WHAT WE HAVE DONE IN ALL SUPERVISORY AND MANAGERIAL PROMOTIONS IS TO ADD AN ASSESSMENT CENTER, WHICH ARE MULTIPLE KIND OF ACTIVITIES, RANGING FROM IN BOXES, CRITICAL THINKING SKILLS, IT'S A HOLISTIC WAY OF EVALUATE WILLING A PERSON'S SKILLS IN THE JOB THEY'RE TRYING TO GO FOR. SO WE ARE AUGMENTED A TEST TAKING PROCESS WITH AN EVALUATION PROCESS. THE FACT OF THE MATTER IS THERE'S PROBABLY NOT A MAJOR COMPANY IN THIS COUNTRY THAT EITHER HIRES OR PROMOTES BASED ON A 100 QUESTION MULTIPLE CHOICE TEST. SO THAT'S JUST A STRAIGHT CHANGE FROM CIVIL SERVICE. CIVIL SERVICE

ALSO ALLOWS YOU TO REWARD MILITARY SERVICE. AND -- BY STRAIGHT POINT ON TO A TEST. WE'VE AUGMENTED THAT BY ALLOWING POINTS FOR TENURE AND POINTS FOR EDUCATION. AGAIN, TRYING TO GET AT THOSE VALUES THAT WE WANT ACROSS THE BOARD IN THIS ORGANIZATION. ANOTHER AREA -- I THINK OVERSIGHT IN GENERAL SIMPLY ISN'T IN CIVIL SERVICE. AND A LOT OF WHAT THEY WERE LOOKING FOR IN ORDER TO CREATE OVERSIGHT WAS NOT SO MUCH THE ABILITY TO CREATE A POLICE MONITOR, BECAUSE WE CAN ALWAYS CREATE A CITY'S FUNCTION, AND CIVIL SERVICE LAW ALLOWS US TO USE THOSE DISCIPLINARY FILES APPROPRIATELY, BUT WHAT IT DIDN'T GIVE US IN A STRAIGHTFORWARD WAY WAS THE ABILITY TO CREATE A CITIZEN PANEL. THERE ARE SEVEN PEOPLE IN AUSTIN THAT GET TO SEE THE INS AND OUTS OF THOSE INVESTIGATIONS, ASK QUESTION, REVIEW DOCUMENTS, GAIN A FULLER UNDERSTANDING OF EXACTLY HOW AN OFFICER IS EVALUATED WHEN ALLEGATIONS ARE CHARGED AGAINST AN OFFICER THE. THEY ALSO HAVE THE ABILITY TO RECOMMEND AN INDEPENDENT INVESTIGATION IF THEY THINK IT ISN'T THUR ROADWAY OR THEY THINK IT ISN'T COMPLETE. AND THAT SEVEN MEMBER PANEL IS PROBABLY THE KEY FEATURE OF OUR OVERSIGHT PROCESS. IT IS WHAT MAKES AUSTIN'S PROCESS UNIQUE AMONG OVERSIGHT PROCESSES IN THE COUNTRY. THERE ARE OTHER OVERSIGHT PROCESSES THAT HAVE PANELS, BUT MANY OF THEM DO NOT HAVE ACCESS TO THOSE INTERNAL AFFAIRS FILES. SO THEY ARE SIMPLY REVIEWING AGGREGATED STATISTICS. AND AGAIN, CIVIL SERVICE DOESN'T PROVIDE FOR THAT KIND OF FUNCTION, SO WE CREATED IT OUT OF THE MEET AND CONFER PROCESS.

Futrell: SNRIN, DISCIPLINE, LAURA, A CHANGE IN THE SERVICE.

WE MADE A FAIRLY SIMPLE CHANGE IN THE CONTRACT. WE TOOK THE THREE-DAY SUS SUSPENSION, WHICH IS SOMETHING THAT IS USED BY THE CHIEF TO SEND A MESSAGE TO AN OFFICER THAT THERE'S BEEN A SERIOUS INFRACTION. AND BECAUSE SO MANY OF OUR DISCIPLINARY DECISIONS ARE ARBITRATED, WE CREATED A CHOICE. THE OFFICER CAN USE VACATION FOR THAT THREE-DAY SUSPENSION, BUT IF HE USES IT, HE CANNOT ARBITRATE

THE DECISION. AND AGAIN, THAT WAS A CHANGE TO CIVIL SERVICE LAW WHICH ALLOWS US TO ARBITRATE ANY DISCIPLINARY DECISION.

Slusher: THAT'S ENOUGH. I KNOW SHE COULD GO ON, BUT SINCE IT'S LATE, WE'LL JUST LEAVE IT AT THAT. THAT'S ALL I HAVE, MAYOR.

Mayor Wynn: FURTHER COMMENTS, QUESTIONS?

Thomas: YES.

Mayor Wynn: COUNCILMEMBER THOMAS.

Thomas: MS. HUFFMAN, MAYBE SOMEONE CAN -- THE WORD COMPLAINT HAS BEEN BROUGHT UP, CAN WE ELABORATE ON THAT?

I DON'T WANT TO SPEND TOO MUCH TIME GOING THROUGH THE PROCESS OF US DURING THESE NEGOTIATIONS IN SEVERAL DIFFERENT CYCLES OF WORKING THROUGH AND MAKING SURE, AS CHIEF KNEE HAS ALREADY COMMENTED ON EXTENSIVELY, ENSURING THAT WE HAD THE ABILITY TO DISCOVER THE TRUTH IN THIS PROCESS. I HAVE MY OWN PERSONAL SET OF PRINCIPLES OR STANDARDS OR BIASES IF YOU WANT TO CALL THEM THAT, FOR THE INVESTIGATIVE PROCESS, PARTLY AS A TRIAL LAWYER AND PARTLY AS A RESULT OF MY FAMILIARITY WITH INTERNAL AFFAIRS PROCESS IN SAN ANTONIO AND THEN IN AUSTIN IN THE EARLY DAYS. SO PHILOSOPHICALLY I WAS OPPOSED TO GIVING AN OFFICER ADVANCE ACCESS TO THE INTERNAL DATA IN THE IED PROCESS BEFORE THAT OFFICER CAN BE INTERROGATED BY THE ASSIGNED INVESTIGATOR. CHIEF KNEE WAS OF THE SAME OPINION, CHIEF COY WAS OF THE SAME OPINION. AS WE BEGAN TO INTERACT WITH THE ASSOCIATION IN RESPONSE TO THEIR LEGITIMATE INTERESTS TO HAVING FULL AND FAIR NOTICE OF WHAT THE ALLEGATION WAS, AT THE SAME TIME MAINTAINING OUR ABILITY TO CONDUCT AN INVESTIGATION THAT WOULD GET TO THE TRUTH, WE DECIDED THAT WE WOULD DEFINE COMPLAINT NOT AS IT'S BEEN REPRESENTED HERE TONIGHT, WHICH IS EVERYTHING THAT HAS SOMETHING TO DO WITH THE CASE, BUT IN THE CONJUNCTIVE, AND THE

DEFINITION SAYS, AND WHICH FORMS A BASE FOR INITIATING AN INVESTIGATION. WHAT THAT MEANS IS THE THINGS THAT ARE A PART OF THE INVESTIGATION, THAT ARE THE FRUITS OF THE INVESTIGATIVE PROCESS, ARE NOT PROVIDED TO THE OFFICER. THE THINGS THAT INITIATE THE INVESTIGATION, THAT PRECEDE IT, ARE PROVIDED. AND THAT'S WHERE WE THOUGHT THE FAIRNESS LINE SHOULD BE DRAWN. WE WILL, AS THE CHIEF EXPLAINED, I GUESS EQUALIZED THE COMPLAINT PROCESS FOR THE PRIVATE CITIZEN AND THE INTERNAL COMPLAINTS BY PEACE OFFICERS. SO THAT AN OFFICER COMES IN, INSTEAD OF TURNING IN AN INCIDENT REPORT THAT MAY BE A LOT OF DETAIL, HE'S GOING TO GIVE A SHORT, PLAIN EXECUTIVE SUMMARY OF WHAT THE COMPLAINT IS JUST LIKE OUR CITIZENS DO TO THE POLICE MONITOR. THAT COMPLAINT COMES IN, THAT COMPLAINT IS THE DOCUMENT THAT GOES TO ACCUSED OFFICER. AND THAT IS A COMPLIANCE WITH THE 48-HOUR NOTICE. BECAUSE ONE OF THE THINGS THAT MAY NOT BE IMMEDIATELY APPARENT HERE, SO THAT THERE REALLY IS NOT SLIPPAGE FROM THE CURRENT PRACTICE IN COMPLIANCE WITH THE 48-HOUR NOTICE REQUIREMENT OF STATE LAW, IS THAT HISTORICALLY AS THE 48-HOUR NOTICE WAS DRAWN, EACH OF THE ELEMENTS OF THOSE FACTS WAS ALREADY DISTILLED AND INCLUDED IN THAT LETTER SO THAT, FOR INSTANCE, THE NEW PROVISION THAT SAYS IF YOU'RE ACCUSED OF LYING YOU GET A COPY OF ALL OF THE PLACES WHERE YOU WERE ACCUSED TO HAVE WRITTEN SOMETHING DOWN THAT WAS A HIGH OR SAID SOMETHING THAT WAS A LIE, WELL, FOR YEARS THE 48-HOUR NOTICE IN THIS DEPARTMENT HAS INCLUDED THAT SAME INFORMATION. IT WASN'T THE PIECE OF PAPER THAT OFFICER A FILED, THAT YOU GOT, OR AN EXCERPT FROM IT, BUT IT WAS A LETTER THAT QUOTED IT. SO THERE ISN'T ANY SUBSTANTIVE DIFFERENCE BETWEEN WHAT WE'VE DONE THERE. A SO AS WE LOOK THROUGH THESE ISSUES, WE'VE SAID CAN WE EXCEED TO A REASONABLE REQUEST BY THE ASSOCIATION THAT IF I'M GOING TO BE ACCUSED OF LYING, DON'T TRICK ME BY NOT TELLING ME WHEN OR WHERE IT WAS OR WHAT I SAID AND LET ME TRY TO GUESS WHAT HAPPENED, YOU KNOW, TWO OR THREE MONTHS AGO. THAT'S WHY WE DID IT THAT WAY. THERE IS NO SLIPPAGE ON THE LYING QUESTION, THERE'S NO SLIPPAGE ON THE

COMPLAINTS. WHAT'S GOING TO BE PRODUCED IS FUNCTIONALLY EQUIVALENT TO WHAT HAS BEEN PRODUCED AS A PART OF THE DISTILLED 48-HOUR NOTICE. IT IS GOING TO BE THE MATERIALS THAT PRECEDE THE INVESTIGATION. IT IS NOT THE STATEMENT THAT RESULTS FROM THE INTERNAL AFFAIRS INVESTIGATOR'S INVESTIGATION OF THE OFFICER. THAT IS CLEAR. THERE'S NOT ANY QUESTION ABOUT THAT.

Thomas: LET ME WRAP UP AND I'LL BE THROUGH. I THINK I SAID TWO OR THREE WEEKS AGO WE WERE TALKING A LITTLE ABOUT THE CONTRACT AND HOW I FELT. AND I THINK I MADE IT VERY CLEAR, THE NEWSPAPER AND THE MEDIA KNOWS HOW I FEEL ABOUT HOW WE WORDED THE WORD OF CONFLICT OF INTEREST, DEALING WITH THE PANELISTS THAT SERVE ON THE OVERSIGHT. I'M A LITTLE DISTURBED ABOUT THAT. BUT I FEEL THAT -- AND I THINK I TOLD ANNE WHEN WE MET, I'M A LITTLE BIT PAST THE CONTRACT NOW. I'M TO THE POINT I ASKED SOME OF MY FORMER COHORTS TO COME TODAY AND MAKE A STATEMENT AND BE SINCERE ABOUT THE STATEMENT, AND THAT I WILL BE FOLLOWING UP ON THE STATEMENT IS THAT WE ARE IN A PROCESS NOW THAT WE HAVE TO FORM SOMEWHERE THAT WE NEED TO ALL BE AT THE TABLE. I EVEN TOLD ANNE ANNE THAT ALSO ACLU NEEDS TO BE AT THE TABLE ALSO. THERE'S TIMEOUT, THERE'S TIME TO COME TO THE TABLE AND HAVE SOME TYPE OF DIALOGUE OF THE GIVING PROCESS. MAKE ALL OF US ACCOUNTABLE OF WHAT WE'RE DOING IN THIS GREAT CITY. POLICE OFFICERS HAVE TO BE ACCOUNTABLE FOR WHAT THEY DO. IF THEY MAKE A MISTAKE, THEY NEED TO BE ACCOUNTABLE AND HELD FOR THE MISTAKE. I THINK THIS CONTRACT, LIKE I WAS TELLING ANNE ALSO, IS THAT IT HAS SOME TOOLS THAT WE DEFINITELY NEED TO CONTINUE IN THE RECRUITING EFFORT, THE PROMOTION EFFORT AND ALSO THE DISCIPLINARY EFFORTS OF MAKING SURE HA IF WE DO HAVE SOMEBODY THAT WILL VIOLATE THE POLICIES, THE LAW, THE CIVIL SERVICE LAW, AND ALSO VIOLENT SOMEBODY'S RIGHTS. I'VE BEEN HERE ALL MY LIFE. I THINK EVERYBODY KNOWS THAT. BUT I'M LOOKING FORWARD TO THESE PEOPLE THAT I'VE NAMED, AND I THINK I NAMED THEM BEFORE, TO START A DIALOGUE. NAACP HAS ALREADY STARTED A DIALOGUE WITH THE CITY MANAGER AND STAFF.

I'M LOOKING FORWARD TO -- AND I DID RECEIVE THE E-MAIL FROM PASTOR IB RICHARDS, PRESIDENT OF THE AUSTIN BAPTIST MINISTERS UNION. THEY WERE UNABLE TO BE HERE TONIGHT BECAUSE THEY ARE HAVING A REVIVAL AT THEIR -- THEIR SPRING REVIVAL AT CHURCH. I'M LOOKING FORWARD FOR THE NAACP, THE AUSTIN BAPTIST MINISTERS UNION, I'M LOOKING FORWARD TO ANY OTHER CITY COMMUNITY ACTIVISTS TO BE AT THE TABLE. I'M LOOKING FORWARD TO THE APA, THE PPOA AND THE WOMEN'S ORGANIZATION. I'M LOOKING FORWARD TO ANYBODY WHO REALLY WANTS TO START SITTING AT THE TABLE AND START IN THIS HEALING PROCESS THAT WILL TAKE US TO ANOTHER LEVEL. I THINK WE ALL -- WE ALL MADE OUR STATEMENTS TODAY, AND I RESPECT EVERYBODY THAT MADE A STATEMENT. YOU HAD SOME GOOD STATEMENTS, YOU HAD SOME CONCERNS. AND I THINK ANYBODY ON THIS COUNCIL WOULD HAVE CONCERNS DEALING WITH THE BUDGET AND ALSO DEALING WITH MAKING SURE THAT THE CITIZENS OF AUSTIN GET SEFBD IN A PROPER WAY AND APPROPRIATE WAY. I DON'T THINK ANYBODY -- [APPLAUSE] -- EVER THOUGHT ABOUT NOT MAKING SURE THAT THE HEALTH CARE IS TAKEN CARE OF. I GIVE CREDIT TO WHERE CREDIT IS DUE. WE DO HAVE A STAFF, WE HAVE A CITY MANAGER THAT BELIEVES IN SERVING THE CITIZENS, EVEN GIVING ME A HARD TIME WHEN I NEED MONEY IN DIFFERENT AREAS. BUT WE'RE ALL GOING TO WORK TOGETHER. WE CANNOT AFFORD TO LOOK BACK WITH WHAT HAPPENED. I THINK I SAID THIS EARLY. IT IS A TRAGEDY. WHAT CAN WE DO TO MOVE ON TO THE STAGE NEXT. EVERYBODY SIT DOWN AND TALK ABOUT WHAT WE SHOULD DO. AND IN THE PROCESS OF THAT TALKING HAVE A MECHANISM IN MONITORING WHAT WE SAID OUR PLAN OF ACTION. WHAT THE CHIEF SAID HIS PLAN OF ACTION IS, WHAT THE CITY MANAGER SAID ACCOUNTABILITY WOULD BE AND ALSO WHAT WE SAID AS COUNCIL BE ACCESSIBLE TO THE COMMUNITY. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS] NEED TO HAVE GOD IN THE MIDST OF EVERYTHING, IT'S TIME FOR HEAL KNOWLEDGE, PRAYING -- HEALING, PRAYING. TO COME TOGETHER.

Goodman: I HAD AN IDEA ABOUT A LITTLE BIT OF RESHAWRPS, I DON'T KNOW IF IT CAN HAPPEN OR NOT. I JUST WANT TO REITERATE A COUPLE OF THINGS. SO MANY

PEOPLE, YOU KNOW, TRUST THAT ALL OF US HAVE ACTUALLY READ THINGS AND KNOW WHAT WE ARE DOING. SO WHEN WE DO GET DOWN TO LOOKING AT SPECIFIC LANGUAGE, IT REALLY IS HELPFUL EVEN IF SOMETIMES REDUNDANT TO SPECIFICALLY NOTE SOMETHING. SO IN A SECOND I WANT TO TALK ABOUT THE MONITOR'S CONFERENCE AND ZOO SEE IF THERE ISN'T A WAY SINCE WE HAVEN'T ALREADY AGREED BY WAY I MEAN APA HAS ALREADY VOTED FOR ALL OF THE THINGS THAT WE WERE TALKING ABOUT THE WAY TO THIS FINAL LANGUAGE. IT IS IN HERE AND WE CAN REFER TO IT BUT IT DOES NOT SPECIFICALLY SAY MONITOR'S CONFERENCE. AND WHAT I WOULD LIKE TO ASK -- I SHOULD LOOK RIGHT AT LEGAL -- IS ON PAGE 57, WHERE WE ARE TALKING ABOUT INCLUDES AGREEMENTS ON THE ISSUES WHICH MAY REQUIRE A CONTRACTUAL MODIFICATION OF EXISTING CIVIL SERVICE LAW AND WHAT THIS WHOLE SECTION IS TRYING TO DO IS NOT BE QUITE SO SPECIFIC IN THAT LAST TIME THE SPECIFICITY ACTUALLY WOUND UP HAM HAMSTRINGING THE POLICE MONITOR, NOT ANYBODY ELSE, THE POLICE OFFICER, YES THE POLICE MONITOR. BECAUSE NOBODY BEYOND WHO WAS SPECIFICALLY MENTIONED IN THE CONTRACT THEN WAS ABLE TO GO IN AND DO WHAT ONLY THE MONITOR COULD DO IF THE MONITOR WASN'T AVAILABLE. WELL, YOU CAN SHAKE YOUR HEAD UNTIL WHATEVER, THAT'S WHAT HAPPENED. SO IN TRYING TO GUARANTEE FOR US THAT THE MONITOR'S OFFICE IS ABLE TO ACT MORE EFFECTIVELY AND THAT NOBODY IS ACCIDENTALLY HAM STRUNG, I THINK THAT WAS THE REASON FOR REFERRING TO THINGS THE WAY THAT THE LANGUAGE DOES HERE. BUT IT DOESN'T SAY, FOR INSTANCE, THIS INCLUDES AGREEMENTS ON THE ISSUES WHICH MAY REQUIRE A CONTRACTUAL MODIFICATION OF EXISTING CIVIL SERVICE LAW AND IN PATTERN THESE THEN ACCESS TO THE -- PARENTHESES ACCESS TO THE 183.1 G FILE ET CETERA ET CETERA, WHY COULD WE FOR THE HAVE MENTIONED RIGHT THERE THE MONITOR'S CONFERENCE. SINCE IT IS IN KEEPING WITH THE ISSUES THAT WE DISCUSSED ON THE WAY TO APA VOTING AND AS I UNDERSTAND IT WITH ALL THAT WE ARE PUTTING ON THE WEB AND SAYING PUBLICLY AND A.P.A. AGREEING, YOU COULD HAVE PUT A REFERENCE RIGHT THERE TO THE

MONITOR'S CONFERENCE.

MAYOR PRO TEM, LET ME APPROACH YOUR QUESTION THIS WAY AND I'LL START OFF WITH THE FIRST PART AND THEN ASK [INDISCERNIBLE] TO ADDRESS I THINK THE THIRD PART. BECAUSE I'M GOING TO OUTLINE IT.

WE HAVE AN IDEA WE ARE CHECKING ON THAT MAY GET YOU -- MAY, WE ARE CHECKING.

AS I'VE HEARD THE ISSUE EXPRESSED BY SOME PEOPLE HERE THIS EVENING, I REALLY WANT TO BREAK IT INTO UP TWO PARTS TO TALK ABOUT. THE FIRST PART IS BECAUSE WHETHER THE PROPOSED CONTRACT DOES NOT SPECIFICALLY TALK ABOUT A POLICE MONITOR CONFERENCE, WHETHER THE CITY HAS THE AUTHORITY OR POWER TO DO THAT. THE SECOND PART RELATES TO WHAT INFORMATION MIGHT BE SHARED AT THAT CONFERENCE. IF IT CAN OCCUR. IN TERMS OF THE FIRST PART, CAN THAT POLICE MONITOR CONFERENCE OCCUR? TEXAS IS A HOME RULE CITY. WHAT THAT MEANS IS THAT IT HAS ALL THE POWERS UNDER THE CONSTITUTION EXCEPT AS LIMITED BY THE LEGISLATURE. NOW THE TEXAS SUPREME COURT HAS SAID EVEN WITH RESPECT TO CIVIL SERVICE CITIES, THE SUFFICIENTLY SERVICE CITY RETAINS RESIDUAL CONTROL OVER CIVIL SERVICE EMPLOYEES EXCEPT AS THAT CONTROL MIGHT BE SPECIFICALLY DEFINED IN THE TRAVIS COUNTY SERVICES FOR THE DEAF ACT. NOW THE CIVIL SERVICE ACT DOES NOT SPECIFICALLY DEFINE OR EVEN MENTION POLICE MONITORS AND THE POLICE MONITORS CONFERENCE. SO CLEARLY THE CITY HAS THE POWER TO HAVE A POLICE MONITOR CONFERENCE. THE SECOND ISSUE IN TERMS OF SHARING THE INFORMATION, WHAT INFORMATION CAN BE SHARED, I THINK SOMEONE MADE THE STATEMENT THAT STATE LAW PROHIBITS THE INFORMATION GAINED IN THE INVESTIGATION FROM BEING SHARED WITH ANYONE. THAT IS NOT TRUE. STATE LAW PERMITS THE LEGITIMATE USE OF THE CONTENTS OF THE 089 G FILE AND THE INVESTIGATIVE FACTUAL MATERIAL IN THAT FILE. THAT LEGITIMATE USE, ACCORDING TO THE TEXAS ATTORNEY GENERAL, GOES FARTHER THAN MERELY MEMBERS OF THE POLICE DEPARTMENT ITSELF. IT EXTEND TO OTHER OFFICIALS WITH THE CITY, FOR EXAMPLE, THETHE CITY

MANAGER OR THE CITY ATTORNEY AND OTHERS THAT THE TEXAS ATTORNEY GENERAL HAS MORE THAN ONCE SAID HAVE A RIGHT TO USE THAT INFORMATION. WHAT STATE LAW PROHIBITS IS THE PUBLIC RELEASE OF THE CONTENTS OF THOSE INVESTIGATIVE FILES. I THINK THAT IT'S VERY SIMPLE TO SEE THAT. THE POLICE MONITOR BEING ABLE TO SHARE THE INVESTIGATIVE MATERIAL WITH THE COMPLAINANT WHO IS -- WHOSE COMPLAINT TRIGGERED THE POLICE MONITOR'S INVOLVEMENT IN THE FIRST PLACE IS A LEGITIMATE USE OF THE FILE. NOW, IF YOU WOULD, THE MAYOR PRO TEM'S REAL QUESTION. ABOUT MODIFICATION OR POSSIBLE MODIFICATION OF THE AGREEMENT AS IT SITS HERE TODAY.

LET ME RESPOND TO THAT ON --

Goodman: WAIT, BEFORE WE GET TO THAT. NO, I'M NOT PROPOSING A MODIFICATION. THIS IS A PROVISION THAT HAS BEEN PUBLICLY PROCLAIMED TO BE INCLUDED IN THE CONTRACT AND IT CERTAINLY IS AN ISSUE THAT WE ALL DISCUSSED GETTING TO THIS FINAL LANGUAGE.

WHAT WE ARE EXPLORING IS AN INTERPRETER ACTIVE MEMORANDUM OR MEMORANDUM OF UNDERSTANDING THAT SPECIFICALLY THE MONITOR'S CONFERENCE, THE MAINTENANCE PROVISION ARTICLE IN WHAT YOU WERE READING IS AND HAS BEEN CONTEMPLATED AS A MODIFICATION OF 143. BECAUSE IN ARTICLE 22 OF THE CONTRACT, AS YOU KNOW, IT RECITES THAT THE CITY IS ENTITLED TO CONTINUE TO OPERATE THE OVERSIGHT PROCESS, SUBSTANTIALLY AS IT EXISTED, UNDER THE PRIOR AGREEMENT. IT WAS ESSENTIAL TO OUR CONCESSION AT THE BARGAINING TABLE TAKE WE HAVE THAT -- THAT WE HAVE THAT BACK STOP ASSURING THAT WE CONTINUED TO HAVE THE FORMER RIGHTS IN THE PRIOR AGREEMENT. ARTICLE 24 RECITES THE PREEMPTIVE LANGUAGE THAT INDICATES THAT ANY ASPECT OF THIS CONTRACT WHERE THERE IS A CONFLICT OR DIFFERENCE BETWEEN THE CONTRACT PROVISIONS AND THOSE UNDER STATE LAW THAT THE CONTRACT WILL PREVAIL. WE BELIEVE THAT THAT'S A JOINT INTERPRETATION THAT'S SHARED BY BOTH PARTIES AND WILL EXPLORE THE AVAILABILITY OF AN INTERPRETER ACTIVE MEMORANDUM ON THAT SUBJECT.

INTERPRETERIVE.

I SAID WE WILL EXPLORE WITH A.P.A. WHETHER OR NOT THEY WOULD BE SIGN AN INTERPRETIVE MEMORANDUM ON THAT SUBJECT.

Goodman: OH, OKAY. LET ME JUST FOR ANYBODY LISTENING TO THIS WHO HAS PROBABLY SEEN E-MAILS OR OTHER REPRESENTATION, LET ME MAYOR IF I CAN READ WHAT THE QUESTION OR CHALLENGE WAS. TO LOWELL WHO HAS SEEN IS A BUNCH OF TIMES. OKAY. THE MONITOR'S CONFERENCE IS SAID TO BE LOST AT THE BARGAINING TABLE. THE DISEP HAS NO RIGHT TO ANY INFORMATION -- CITIZEN HAS NO RIGHT TO ANY INFORMATION ABOUT THE INVESTIGATION IN THE PROPOSED CONTRACT. THE CITY MANAGER CLAIMS THIS RIGHT WILL BE REINSTATED IN THE S.O.P.'S BUT SADLY THAT IS NOT LEGALLY POSSIBLE BECAUSE THE CITIZENS RIGHTS TO THIS INFORMATION VIOLATES STATE LAW, TEXAS LOCAL GOVERNMENT CODE SECTION 143.089 G AS LOWELL MENTIONED A WHILE AGO. ONLY THE CONTRACT CAN OVERRIDE STATE LAW AND PROVIDE THAT RIGHT TO A CITIZEN. THE CITY DOES NOT HAVE THE LEGAL POWER TO PROVIDE THIS RIGHT TO THE CITIZEN IN ITS S.O.P.'S. WHICH IS WHAT LOWELL WAS JUST SAYING IS ACTUALLY NOT THE CASE. BUT IF THAT'S SO, THEN WHY -- WHY COULDN'T IT HAVE BEEN INCLUDED HERE? THERE ARE A FEW EXAMPLES PUT IN PARENTHESES SO WE ALL KNOW WHERE WE ARE HEADED FOR. WHY WOULD IT BE -- IT WOULDN'T BE I ASSUME A MODIFICATION OF ANY SORT SINCE THAT WAS AN ISSUE THAT YOU ALL DISCUSSED AT THE TABLE, RIGHT?

WELL, THE ASSERTION OF LANGUAGE INTO THE CONTRACT IS AN AMENDMENT JUST BY DEFINITION. AND THAT AMENDMENT CAN'T TAKE PLACE WITHOUT AN ADDITIONAL RATIFICATION VOTE. BUT A MEMORANDUM OF UNDERSTANDING OR A INTERPRETIVE MEMORANDUM THAT RECOGNIZES THAT THIS LANGUAGE MEANS THAT -- THE LANGUAGE IN THESE TWO LOCATIONS, MEANS THAT THE FORMER CONTRACT SAID THAT IN THE POLICE MONITOR'S CONFERENCE AN OPPORTUNITY TO EXISTS FOR THE POLICE MONITOR TO DISCUSS WITH THE COMPLAINANT ALL OF THE DETAILS OF THE INVESTIGATION. AND THAT WAS A SUBSTANTIAL PART OF THE PRIOR PROCESS. AND THE

OVERRIDE LAPPING IN ARTICLE 24 HE IS -- LANGUAGE IN ARTICLE 24 IS SUFFICIENT TO MAKE THAT A PART OF THIS AGREEMENT JUST AS MUCH AS IT WAS BEFORE. JUST SO IT'S CLEAR TO THE LISTENERS AND EVERYTHING, WE ARE INDEED SAYING TWO THINGS HERE. ONE OF THEM IS REBELIEVE FIRMLY AND STRONGLY THAT WE HAVE THE LEGAL RIGHT TO CONDUCT THAT PROCESS UNDER 143.089 G WITHOUT ANY CHANGES BY CONTRACT. BUT SIMULTANEOUSLY IT WAS OUR PURPOSE, ALWAYS WAS, STILL IS, TO MODIFY THAT TO THE EXTENT THAT THE LAW MIGHT NOT BE THAT WAY. SO WE WERE GOING TO DO BOTH. WE WEREN'T GOING TO TAKE A CHANCE IT WAS ONE OR THE OTHER. WE WERE GOING TO GO TO BOTH.

Goodman: OKAY. I HOPE THAT PEOPLE UNDERSTAND THAT. AND THAT THEY WILL FOR THEMSELVES GO READ THE LANGUAGE, THE SPECIFIC LANGUAGE AND FIND YOUR CROSS REFERENCES AS WELL. THE OTHER THING THAT I WANTED TO SORT OUT OF PUT OUT THERE FOR A POSSIBLY FUTURE DISCUSSION BETWEEN A.P.A. AND THE CITY IS THE SORT OF ETHICS AND CONFLICT OF INTEREST PROVISION. AS I SAID EARLIER, I'M NOT SURE THAT I SAID IT OUT HERE IN PUBLIC, BUT YEAH I DID BECAUSE I HAD THAT TERRIBLE ANALOGY. THE SLEDGE HAMMER VERSUS THE [INDISCERNIBLE] WE HAVE A LOT OF WAYS TO ADDRESS CONFLICTS OF INTERESTS, INAPPROPRIATE APPEARANCES OF BIAS OR PERCEPTION THEREOF. SO WE HAVE A LOT OF HISTORY ON HOW TO TRY TO DEAL WITH THINGS LIKE THAT. I THINK THAT WE HAVE BEEN TOO HEAVY HANDED, ALTHOUGH I ALSO UNDERSTAND THAT THERE'S GOT TO BE A WAY FOR VARY PEOPLE TO COME TO TRUST THIS PROCESS. AND IN GENERAL, IT'S GOT TO BE ONE WHERE WE ALL CAN TRUST IT. EVERY SINGLE PERSON. WHO ENTERS INTO IT FROM WHATEVER ANGLE, WHATEVER PERSPECTIVE AND WHATEVER ROLE. SO THAT WAS ACTUALLY MY GOAL AND WHY MY PARTICULAR FOCUS IN COMING TO AN AGREEMENT DEALT WITH POLICE MONITOR'S OFFICE AND THE FAIRNESS ISSUE. BECAUSE IT HAS TO BE AND LOOK FAIR NOT ONLY BE FAIR, BUT LOOK FAIR. BUT IT'S REALLY DIFFICULT I THINK TO PRECISELY DEFINE SOMEONE'S BEHAVIOR IN SO RIDGE JID A WAY, I THINK THAT -- RIGID A WAY. I THINK THAT IT WILL BE EASY TO SEE AFTER A WHILE THAT IT'S SO RIDGE JIDLY

DEFINED THAT IT'S NOT NECESSARY. SO I HOPE THAT PROVISION THAT YOU HAVE FOR GOING BACK AND TALKING ABOUT AN ISSUE TOGETHER MIGHT BE USED IN THAT WAY. AFTER AGENT TIME HAS GONE BY TO UNDERSTAND OTHER WAYS OF DOING THE SAME THING SO THAT PEOPLE KNOW THE GUIDELINES WHEN THEY SPEAK AND ACT APPROPRIATELY AND KNOW THE RESPONSIBILITY. THE RESPONSIBILITY IS SO NARROWLY DEFINED RIGHT NOW I THINK THAT'S GOING TO BE TROUBLE FOR PEOPLE. I THINK THEY ARE GOING TO HAVE A HARD TIME UNDERSTANDING WHERE THEY CAN SAY WHAT THEY NEED TO SAY AND WE JUST -- WHICH IS TOTALLY APPROPRIATE TO SAY WITHOUT THINKING THAT THIS IS A -- PRECLUDING IT SOMEHOW. SO THOSE ARE THE ONLY TWO THINGS THAT I WANTED TO KNOW AND IF WE COULDN'T PUT THE REFERENCE TO THE MONITOR'S CONFERENCE IN THAT WAY, THE MIEWRNL MEMORANDUM I GUESS -- MUTUAL MEMORANDUM, I GUESS, THEN I THINK THAT THAT MIGHT TAKE FIRST PRIORITY FOR A MUTUALLY AGREED UPON AMENDMENT OR WHATEVER WE CALL IT.

Mayor Wynn: FURTHER COMMENTS? QUESTIONS?

Slusher: I AM READY TO MAKE A MOTION.

Mayor Wynn: COUNCILMEMBER SLUSHER.

Slusher: I WOULD MOVE APPROVAL OF THE CONTRACT. IF I GET A SECOND I WOULD LIKE TO MAKE A FEW COMMENTS.

Thomas: SECOND.

Mayor Wynn: MOTION TO APPROVE BY COUNCILMEMBER SLUSHER, SECONDED BY COUNCILMEMBER THOMAS.

Slusher: FIRST OF ALL, ESPECIALLY SINCE COUNCILMEMBER THOMAS SECONDED THE MOTION, I WANTED TO THANK HIM FOR HIS LEADERSHIP ON THE COUNCIL ON THIS ISSUE. HE REALLY HAS A UNIQUE POSITION ON THIS IN SEVERAL WAYS. ONE AS A FORMER OFFICER. FRANKLY AS A MEMBER OF THE AFRICAN AMERICAN COMMUNITY WHEN THERE'S BEEN A -- A BIT -- QUITE A BIT OF CONTROVERSY BETWEEN SOME MEMBERS OF THE AFRICAN AMERICAN COMMUNITY AND THE

POLICE FORCE. AND AS A REPRESENTATIVE OF ALL OF THE PEOPLE OF AUSTIN. I THINK THAT HE'S HANDLED THE -- HIS APPROACH AND HANDLED ALL OF THOSE ROLES VERY WELL. HASN'T RECEIVED A LOT OF CREDIT FOR IT. SO I WANTED TO MENTION THAT TONIGHT. AS A MATTER OF FACT THE MESSAGE ABOUT HEALING THAT WE HEARD TONIGHT I THINK REALLY COMES LARGELY FROM HIS EFFORTS. SO I WANTED TO NOTE THAT FIRST OF ALL. AS TO THE CONTRACT ITSELF, WE HAVE HEARD VERY SOLID REASONS FROM CITY MANAGER FUTRELL AND ASSISTANT MANAGER HUFFMAN ABOUT WHY THIS IS A GOOD VOTE TO TAKE TONIGHT. I'LL JUST HIT A FEW OF THEM REAL QUICK. REDUCES THE GROWTH OF THE COST DRIVERS FROM THE PUBLIC SAFETY COSTS IN THE BUDGET. EXCEEDS CIVIL SERVICE AND THE NUMBER OF WAYS, VERY IMPORTANT ONE BEING THE EXTENSION OF THE PROBATIO WHERE IT'S ACTUALLY TWO MONTHS TO A YEAR NOW. THAT IS -- THAT IS VERY IMPORTANT TOOL AND -- IN BUILDING AN EVEN BETTER POLICE FORCE. THERE HAVE BEEN SOME CRITICISM, I DON'T THINK TONIGHT, BUT IN THE MEDIA THERE'S BEEN SOME CRITICISM OF THE BONUSES FOR EDUCATION. I THINK THAT IS TOTALLY UNFOUNDED. ONE OF THE BEST WAYS TO BUILD AN EVEN BETTER POLICE FORCE IS TO HAVE A BETTER EDUCATED POLICE FORCE. WE'VE HEARD TONIGHT AUSTIN HAS ONE OF THE BEST EDUCATED POLICE FORCES IN THE COUNTRY. THE LEVEL OF OFFICERS WITH COLLEGE EDUCATIONS IS VERY HIGH AS WELL AS THE LEVEL OF OFFICERS WITH COLLEGE TIME BUT NOT DEGREES. BOTH OF THOSE LEVELS ARE VERY HIGH. THAT'S A GOOD THING. IT WILL BE GOOD IF THEY ARE EVEN HIGHER. IT MAKES SENSE TO INVEST IN THAT. TO CLOSE I WANT TO SAY I WAS GLAD TO HEAR THE PRESIDENT OF THE POLICE ASSOCIATION, MR. SHEFFIELD, SAY THAT THE ASSOCIATION WAS TO STEP FORWARD AND PARTICIPATE IN THE HEALING. I THINK -- OF THIS COMMUNITY. I THINK THAT'S A VERY, VERY IMPORTANT AND I WOULD ASK YOU ALSO AS PART OF THAT PROCESS TO KEEP IN MIND THE OTHER CITY EMPLOYEES, BECAUSE THIS IS A -- THE FRANKLY BEING REAL FRANK HERE, THE RAISES TO THE OFFICERS ARE AFFECTING THE MORALE OF OTHER CITY EMPLOYEES. THAT'S A VERY, VERY REAL THING, VERY REAL ISSUE. THAT WE NEED TO DEAL WITH. WE NEED THE POLICE ASSOCIATION'S HELP IN DEALING WITH THAT. THERE

IS A RAISE BUDGETED THIS YEAR FOR THE CITY EMPLOYEES, IN THE UPCOMING BUDGET. BUT THE ISSUE IS LARGER THAN THAT AND I LOOK FORWARD TO HAVING THE ASSOCIATIONS HELP IN ADDRESSING THOSE ISSUES AND COMMUNICATING WITH OTHER CITY EMPLOYEES AND BUT OVERALL FOR THE REASONS THAT I HAVE STATED AND MORE, I THINK THIS CONTRACT IS IN THE BEST INTERESTS OF THE CITY OF AUSTIN.

Mayor Wynn: THANK YOU COUNCILMEMBER, COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR. I'M GOING TO TRY TO KEEP MY COMMENT SHORT. I'M NOT SURE THAT I'M ACTUALLY GOING TO ACHIEVE THAT GOAL. I'M TRYING NOT TO REPEAT A LOT OF THINGS THAT HAVE BEEN SAID BECAUSE A LOT OF ISSUES HAVE BEEN RAISED THROUGHOUT THE PROCESS AND WE HAVE TRIED TO RAISE AS MANY OF THESE, TRYING TO BE FORWARD LOOKING AND MAKING SURE THAT WE ARE ASKING ALL OF THE RIGHT QUESTIONS. AND SO I THINK A LOT OF THESE ISSUES WE HAVE BEEN HEARING I THINK THAT WE HAVE BEEN DOING A -- OUR JOB AT LEAST TO TRY TO MAKE SURE THEY ARE BEING ADDED AS WE GO THROUGH THE PROCESS. I THINK THAT WE HAVE BEEN ABLE TO ADDRESS A LOT OF THESE ISSUES AS WE HAVE DONE THAT. BUT CERTAINLY THIS -- THIS VOTE COMES ON -- ON AFTER A VERY DIFFICULT YEAR FOR OUR COMMUNITY AND I THINK TO CALL IT -- STOMACH -- TUMULTOUS,? OF THE MEDIA COVERAGE ON CERTAIN HE SHOULD, WE MAY AGREE OR DISAGREE ON HOW -- HOW ACCURATE OR THAT COVERAGE MAY OR MAY NOT HAVE BEEN. BUT WHAT -- PERSONALLY WHAT I HAVE TRIED DO IS TRIED TO LOOK AT KIND OF STAY ABOVE THE FRAY AND TRY TO LOOK AT THE UNDERLYING ISSUES THAT ARE BEING RAISED EVERY TIME AN INCIDENT OCCURS OR SOME SOME INFORMATION IS SHARED OR SOME CONCERNS ARE ADDRESSED IS REALLY WHAT IS THE CITY'S RESPONSE. WHAT ARE WE DOING TO ADDRESS SOME OF THESE CONCERNS THAT ARE BEING RAISED. SO PERSONALLY I HAVE BEEN REAL IMPRESSED WITH THE WAY OUR CHIEF AND OUR CITY MANAGER AND SOME OF THESE SITUATIONS THAT THEY HAVE -- THAT HAVE ARISEN AND REALLY I THINK THAT IT'S ONE OF THOSE THINGS WHERE WE HAVE KIND OF HAD SOME VERY HEAVY HANDED TACTICS

FROM I GUESS EACH SIDE HERE FROM THE COMMUNITY AND PUBLIC INTEREST SIDE AS WELL AS ON THE ASSOCIATION SIDE. REALLY WITH SOME OF THE ACTIONS PUT ON THE TABLE BY THE POLICE CHIEF AND THE CITY MANAGER START GETTING TO THE HEART OF SOME OF THE PROBLEMS THAT WE ARE SEEING, SOME OF THE ISSUES THAT THE COMMUNITY MAY BE EXPERIENCING IN TRYING TO ADDRESS THEM IN A VERY ESTIMATE TALL WAY, IN A WAY THAT'S ACTUALLY GOING TO GET TO THE HEART OF THE ISSUE. BUT REALLY I THINK I WANT TO -- I WANT TO NOT TALK SO MUCH ON THE OFFICER'S RIGHTS PIECE OR THE FINANCIAL ISSUES BECAUSE I THINK THOSE HAVE BEEN ADDRESSED PRETTY LENGTHY FASHION ALREADY. I MEAN I WILL SAY THAT ONE OF THE THINGS THAT WE TRIED TO DO OR ONE OF THE WAYS THAT I HAVE BEEN EVALUATING AT LEAST THE OFFICER'S RIGHTS PIECE IS LIKE I HAVE BEEN FOR THE OVERSIGHT PIECE IS COMPARING IT TO WHAT IS IN THE CURRENT CONTRACT, WHAT IS ALREADY DONE. WHAT RIGHTS DO THE OFFICERS HAVE, WHAT RIGHTS DO THE COMMUNITY HAVE OR DOES MANAGEMENT HAVE IN THIS PROCESS. I REALLY THINK THAT -- THAT ONE THING THAT'S IMPORTANT TO UNDERSTAND AS WE GO THROUGH THIS PROCESS IS THAT WE DO WANT TO MAKE SURE THE VOICE OF THE -- THE COMMUNITY HAS A VOICE AND FEELS LIKE THERE IS PARTICIPATION AND THAT THE GOVERNMENT IS LISTENING AND THAT THEY HAVE A ROLE TO PLAY. BUT AT THE SAME TIME WE ARE ALSO TRYING TO MAKE SURE THAT THE PROCESS IS FAIR TO THE OFFICERS. TO MAKE SURE THAT THEY ARE BEING TREATED FAIRLY AS ARE EMPLOYEES, I THINK THAT'S THE WAY WE WANT ALL OF OUR EMPLOYEES TO BE TREATED. THAT'S SORT OF ANOTHER UNDERLYING GOAL THAT CERTAINLY I HAVE TRIED BRING INTO THIS IS TO MAKE SURE THAT TO WHATEVER -- WHATEVER PROCESSES WE ARE CREATING IS SOMETHING THAT'S FAIR TO EVERYBODY INVOLVED. ON THE TESTIMONY SIDE, POINT OUT ONE MORE TIME, DURING THAT SAME PERIOD, THAT -- THAT MEET AND CONFER HAS SORT OF INCREASED THE BUDGETARY IMPACT OF PUBLIC SAFETY ON OUR BUDGET, ON OUR FINANCES DURING THAT SAME TIME, YOU KNOW, WE'VE HAD ACTUALLY A LARGER INCREASE IN OUR INVESTMENT IN HEALTH AND HUMAN SERVICES, SO IT'S KIND OF A -- OF A -- I MEAN IT'S SOMETHING THAT KIND OF IS

TROUBLING TO A CERTAIN DEGREE. ALL OF THE PROVIDERS SAYING WE ARE NOT DOING ENOUGH, I THINK THE CITY MANAGER SAID THERE IS MUCH MORE THAT CAN BE DONE AND SHOULD BE DONE. BUT IF YOU COMPARE HOW WE DO IN REFERENCE TO OTHER CITIES AND OTHER COMMUNITIES, DURING THAT SAME TIME PERIOD THAT WE HAVE INCREASED OUR INVESTMENT IN PUBLIC SAFETY, ACTUALLY WE INCREASED BY A LARGER PERCENTAGE OUR INVESTMENT IN HEALTH AND HUMAN SERVICES. BUT REALLY WANTED TO GET TO THE QUESTION I THINK THAT WAS RAISED BY A COUPLE OF FOLKS OF WHY WE SHOULDN'T -- WHY IT WOULD BE OKAY JUST TO PUT THIS AGREEMENT ON HOLD. UNTIL THE BUDGET PROCESS BECAUSE I THINK BECAUSE WE ALL KNOW THAT THE -- THAT THE CONTRACT EXPIRES APRIL 1st AND UNLESS THERE IS AN AGREEMENT. SO THAT WOULD MEAN WE WOULD BE -- GO WITHOUT A CONTRACT BETWEEN NOW AND SEPTEMBER IF THERE ISN'T AN AGREEMENT. AND I GUESS THE CLAIM THAT'S BEING MADE HE IS WE WOULDN'T LOSE A LOT AND I DO WANT TO COMMUNICATE THAT I DO FEEL THAT WE WOULD LOSE A GREAT DEAL, NOT JUST IN THE AREA OF OVERSIGHT, BUT IN MANY OTHER AREAS AS WELL. AGAIN THESE HAVE BEEN TOUCHED ON A LITTLE BIT. SO I TRY TO TALK ABOUT THIS VERY BRIEFLY. IN THE AREA OF HIRING IT WAS MENTIONED WE HAVE A LITTLE MORE FLEXIBILITY IN TERMS OF THAT PROCESS AND IN TERMS OF PROMOTIONS AS WELL. WHY THAT IS IMPORTANT IS BECAUSE IT HELPS, I BELIEVE, TO ENSURE THAT WE HAVE A BETTER OPPORTUNITY TO INCREASE DIVERSITY IN OUR DEPARTMENT AND LOOKING AT THE CHALLENGES OUR COMMUNITY HAS, THIS IS AN IMPORTANT WAY TO HELP ADDRESS SORT OF THE UNDERSTANDING AND SENSITIVITY IN THE DEPARTMENT ON ISSUES AFFECTING PEOPLE OF COLOR AS IF WE HAVE A DEPARTMENT THAT REFLECTS OUR COMMUNITY AND I THINK THAT IT'S VERY IMPORTANT THAT WE HAVE THE PROVISIONS IN THE -- IN THE CONTRACT THAT DEAL WITH HIRING AND PROMOTIONS AND TRAINING. AGAIN ANOTHER KEY ISSUE THAT WE HAVE TALKED ABOUT IN THE COMMUNITY HAS -- HAS ASKED US TO DO IS MAKE SURE THAT WE ARE DOING ALL THAT WE CAN IN THE AREA OF TRAINING, WE ACTUALLY HAVE THE MOST AGGRESSIVE TRAINING IN THE STATE. NOT JUST WHEN FOLKS ENTER THE ACADEMY, BUT EVEN

CONTINUING EDUCATION AND THE CONTINUAL TRAINING THAT OFFICERS GO THROUGH AND ACTUALLY EVEN THROUGH SPECIALTY PAY AND THE -- AND THE -- WHAT THOSE KINDS OF THINGS BRING TO OUR POLICE FORCE. FINALLY I THINK THE PROBATIONARY -- PROBATIONARY ISSUE, THAT WE HAVE THE ABILITY TO EVALUATE AN OFFICER WHEN THEY ARE OUT ON THEIR OWN AND WHEN THEY ARE FIRST BEGINNING, THEIR TENURE WITH THE POLICE DEPARTMENT AND AGAIN IN RESPONSE TO THE CONCERNS AND -- IN THE COMMUNITY IS THAT THERE -- THE FOLKS MAY NOT HAVE ENOUGH EXPERIENCE AND THAT WE NEED TO DO A BETTER JOB OF EVALUATING FOLKS THAT ARE COMING ON INTO THE DEPARTMENT. AND SO -- SORT OF TAKING THAT TO THE NEXT STEP IS LOOKING AT IS THE PROMOTIONS, MAKING SURE THAT YOU ESTABLISH THE TENURE ON PATROL BEFORE OFFICERS ARE ABLE TO BE PROMOTED AND MAKING SURE THAT BEFORE THAT YOUR SUPERVISORS ARE GOING TO HAVE THE EXPERIENCE THEY NEED ON -- IN THE FIELD TO ACTUALLY DO A GOOD JOB AT SUPERVISING. SO I THINK THOSE -- SUPERVISING. I THINK THOSE ARE ALL VERY POSITIVE THINGS THAT REALLY GET TO THE HEART OF SOME THE ISSUES THAT THE COMMUNITY HAS BEEN RAISING OVER THE LAST COUPLE OF YEARS. FINALLY, I THINK IN THE CONTRACT, YOU KNOW, ONE OF THE KEY ELEMENTS THAT I HAVE LOOKED AT CERTAINLY AND THE REASON THAT I DIDN'T SUPPORT PRIOR MEET AND CONFER AGREEMENT WAS BECAUSE OF THE OVERSIGHT ISSUE AND SOME -- SOME LIMITATIONS THAT I THOUGHT THAT THE PREVIOUS CONTRACT HAD AND SO GOING INTO THIS, YOU KNOW, I CERTAINLY WANTED TO MAKE SURE THAT WE WERE GOING TO HAVE A STRONGER OVERSIGHT SYSTEM AS -- AS AFTER THIS PROCESS THAN WE DID AFTER THE LAST PROCESS. AND REALLY I DON'T THINK THAT I WOULD SUPPORT THE AGREEMENT ON THE TABLE IF I DIDN'T FEEL THAT IT DID DO THAT, THAT IT DID STRENGTHEN THE EXISTING -- STRENGTHEN THE EXISTING PROCESS. REALLY I THINK THE PROVISION IN THE CONTRACT THAT STATES THAT THE CITY MAY PROCEED WITH CITIZEN OVERSIGHT UNDER THIS NEW AGREEMENT SUBSTANTIALLY AS IT HAS DONE UNDER THE PRIOR AGREEMENT AND THE CITY IS ENTITLED TO THE MAINTENANCE OF THESE PRIOR RIGHTS AND PREROGATIVES, I MEAN THAT WAS THE STARTING POINT.

THE STARTING POINT IS THIS IS HOW IT WORKS, THIS IS WHAT WE HAVE BEEN DOING, THIS IS WHAT WE MAINTAINED, THIS IS WHAT WE WANT TO BUILD ON. ONE OF THE THINGS THAT WE DID TALK ABOUT, I REMEMBER ON THE DAIS WHEN THAT VOTE WAS TAKEN THREE YEARS AGO, WAS GOING AHEAD AND INSTITUTING THIS PROCESS, SEEING HOW IT WORKS FOR THE NEXT THREE YEARS AND THEN STRENGTHENING THE SYSTEM BASED ON THOSE EXPERIENCES AND THAT'S REALLY I THINK WHAT HAS HAPPENED IN THIS PARTICULAR CASE AND JUST WANT TO HIGHLIGHT SOME OF THOSE THINGS BECAUSE THIS HAS BEEN A VERY LONG PROCESS OVER A YEAR LONG NEGOTIATION ON THESE ISSUES. AND THERE'S SOME ISSUES THAT, YOU KNOW, AGAIN THAT WE TOOK A VERY HARD LINE ON IN TERMS OF MAKING SURE THAT OUR RIGHTS WERE PRESERVED IN TERMS OF OVERSIGHT PROCESS IN THE CONTRACT. AND EARLY ON IN THE PROCESS I REMEMBER GETTING, YOU KNOW, A LEAFLET FROM SOME OF THE PUBLIC INTEREST GROUPS ABOUT SOME OF THE KEY ISSUES THAT -- THAT WE NEEDED TO BE ADDRESSED DURING THE OVERSIGHT PROCESS AND -- AND WE KEPT AGAIN TRYING TO MAKE SURE THOSE ISSUES KEPT BEING BROUGHT UP, BEING PART OF THE DISCUSSION TO MAKE SURE THEY DIDN'T JUST GET BRUSHED ASIDE. SO I WANT TO MENTION A COUPLE OF THOSE, SOME HAVING TO DO WITH HAVING UNRESTRICTED ACCESS TO INFORMATION. AS YOU KNOW THE CURRENT CONTRACT ONLY ALLOWS THE PANEL TO REVIEW AND THE MONITOR TO REVIEW I GUESS THREE YEARS WORTH OF DISCIPLINARY INFORMATION. AND ACTUALLY BECAUSE OF OUR APPROACH, THE APPROACH THAT WE TOOK IN THIS CONTRACT, THERE ARE NO LIMITATIONS IN TERMS OF THE INFORMATION THAT CAN BE REVIEWED. AND SO THAT'S ACTUALLY ONE OF THOSE THINGS THAT YOU CAN CHECK OFF AND SAY I THINK WE WERE ABLE TO ADDRESS THAT ISSUE. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

Alvarez: I THINK ONE ISSUE THAT I SORT OF LUMPED TOGETHER IS THE ISSUE OF AN INDEPENDENT INVESTIGATION AND SUBPOENA PORE BECAUSE WE HEAR OFTEN THE CALL FOR SUBPOENA POWER FOR THE PANEL. AND THE MONITOR. BUT I THINK THE WAY WE TRY TO

APPROACH IS THAT THROUGH THE TOOLS AND OF INDEPENDENT INVESTIGATION AND MAKING SURE THE MONITOR AND THE PANEL HAVE THAT AUTHORITY TO CALL AN INDEPENDENT INVESTIGATION, AND REALLY THE PANEL HAS THE AUTHORITY TO OUTLINE EXACTLY WHAT THEY WANT. THE INVESTIGATORS TO LOOK AT SPECIFIC QUESTIONS AND ISSUES THEY WANT THE INVESTIGATOR TO ADDRESS BASED ON THEIR REVIEW OF THE INFORMATION RELATED TO THE CASE. SO WHILE IT'S NOT DIRECT SUBPOENA POWER, I THINK IT HELPS US TO GET THAT KIND OF AUTHORITY AND INPUT BY THE PANEL. AND THAT'S ONE OF THE THINGS THAT WE HAD TO FIGHT FOR IN THIS PARTICULAR PROCESS BECAUSE ONE OF THE QUESTIONS THAT WAS RAISED DURING THESE THREE-YEAR PERIOD WHERE THE OVERSIGHT PROCESS WAS INSTITUTED WAS WHETHER OR NOT THE PANEL OR THE CITY HAD THE ABILITY TO RELEASE THE FINDINGS OF THE INDEPENDENT INVESTIGATION. AND, OF COURSE, AFTER SOME -- WE HAD A RULING ON THAT BY A JUDGE, WE ACTUALLY WERE ABLE -- WE WERE ABLE TO CONDUCT THE INVESTIGATION FIRST OF ALL, BUT NOT RELEASE THE REPORT OR THE SUMMARY OR THE RECOMMENDATIONS. SO I THINK THAT IS A GOOD THING THAT WE WERE ABLE TO ACCOMPLISH AND MAKE SURE NOT ONLY CAN WE DO THE INDEPENDENT INVESTIGATION, BUT WE'RE ACTUALLY ABLE TO SHARE THOSE FINDINGS WITH THE PUBLIC. AND THE OTHER THING I BELIEVE THAT I THINK WE'VE BEEN CRITICIZED A GREAT DEAL FOR OR HAS BEEN A CONCERN IN THE CONTRACT, HAS TO DO WITH THE CONFLICT OF INTEREST PROVISION. BUT I ASSURE YOU THAT THE PROPOSALS THAT WE'RE DEALING WITH WERE MUCH MORE FAR REACHING THAN WHAT WE ENDED UP HAVING IN THIS CONTRACT. AND AGAIN, I THINK IN THIS PARTICULAR CASE, LOOKING AT THE PANELISTS AND SORT OF THEIR ROLE IN THE PROCESS, AND I THINK AT LEAST FROM MY POINT OF VIEW I WANT TO MAKE SURE THAT IF THEIR PART OF THE INVESTIGATIVE PROCESS THAT THEY DO TRY TO HAVE AS UNBIASED OPINION ON A PARTICULAR CASE UNTIL THEY HAVE AN OPPORTUNITY TO REVIEW ALL OF THE INFORMATION. AND I THINK THAT'S REALLY THE BASIS OF THE PROVISIONS THAT WERE ADDED TO THE CONTRACT GET AT IS MAKING SURE IF THE PANELISTS WHO ARE TRYING TO MAKE SURE THAT THE PROCESS IS FAIR TO THE

OFFICERS BEFORE RENDERING JUDGMENT THAT THEY DO HAVE AN OPPORTUNITY TO AT LEAST REVIEW ALL OF THE INFORMATION. AND SO -- SO THE LAST POINT I WOULD MAKE THAT I THINK CAME UP LAST TIME AND COMES UP -- CAME UP I GUESS DURING THIS PROCESS TOO WAS THE IDEA OF ACTUALLY HAVING THE POLICE MONITOR REPORT TO THE CITY COUNCIL AND THE CITIZEN REVIEW PANEL REPORTING TO THE CITY COUNCIL. AND WHILE THAT CERTAINLY IS NOT IN THIS PARTICULAR CONTRACT, BECAUSE OF THE WAY WE STRUCTURED IT WHERE THE STANDARD OPERATING PROCEDURES ARE OUTSIDE OF THE CONTRACT, THAT ACTUALLY GIVES YOU -- THE CITY THE FLEXIBILITY TO DECIDE HOW IT WANTS TO STRUCTURE THAT. IF WE DO CHANGE THAT PROCESS, THEN IT MAY NECESSITY A CHANGE IN THE STANDARD OPERATING PROCEDURES, BUT BY TAKING THAT OUT OF THE CONTRACT, AND THAT DOESN'T TICK DICTATE THE STRUCTURE AND THE WAY THE PANEL IS STRUCTURED AND THE WAY IT OPERATES AND THE WAY THE MONITOR STRUCTURE WITHIN THE ORGANIZATION. SO REALLY I THINK THAT WHAT WE'VE DONE IN TERMS OF I GUESS TAKING THE SOP'S AND STANDARD OPERATING PROCEDURES OUT OF THE CONTRACT IS I THINK GIVE MORE FLEXIBILITY IN TERMS OF HOW THE OVERSIGHT SYSTEM IS MANAGED. AND SO REALLY FOR THESE REASONS I DO THINK THERE IS A LOT THAT WE BEGAN IN TERMS OF THE OVERSIGHT PROCESS. AND THE PUBLIC'S ROLE IN THAT PROCESS. AND I DO BELIEVE THAT IT HAS BEEN A GIVE AND TAKE. I DO BELIEVE THAT IT'S BEEN -- THAT NO ONE HAS GOTTEN EXACTLY WHAT THEY WANT IN THIS PROCESS, BUT IT'S A NEGOTIATION AND I DO BELIEVE THAT WHAT WE HAVE ON THE TABLE IS A FAIR -- A FAIR CONTRACT, AND I WILL BE SUPPORTING IT.

Mayor Wynn: THANK YOU, COUNCILMEMBER.
COUNCILMEMBER DUNKERLEY?

Dunkerley: I'D LIKE TO FIRST THANK THE STAFF, WHO'S WORKED SO HARD, AND THE APA, FOR COMING UP WITH I THINK A GOOD CONTRACT. WE'VE HAD -- AS I'VE SAID BEFORE, NOT EVERYBODY GOT EVERYTHING, BUT WE DO HEAR A LITTLE GRUMBLING FROM EACH OF THE GROUPS, BUT EVERYBODY GOT SOMETHING. AND I THINK THAT MAKES FOR A GOOD CONTRACT. ALL OF THE THINGS THAT THE

OTHER COUNCILMEMBERS MENTIONED ARE IMPORTANT TO ME, THE EXTENDED PROBATIONARY PERIOD, THE MORE EXPERIENCED OFFICER BEFORE PROMOTION, EMPHASIS ON EDUCATION, ACCESS TO THE FILE AND A MORE JURY-LIKE PANEL. BUT I WANT TO COMMENT ON ONE THING THAT MANY OF THE SOCIAL SERVICE AGENCIES HAVE BEEN A LITTLE FEARFUL OF. THE TWO PERCENT PREMIUM REALLY IS -- WAS A STRATEGY OF TRYING TO CONTROL THE COST. AND IT IS A WAY FOR US TO REALLY ENSURE THAT THERE ARE MORE DOLLARS AVAILABLE IN THE FUTURE THAN THERE WOULD HAVE BEEN UNDER THE FORMER TYPE CONTRACT. SO IT IS A WAY TO CONTROL THE GROWTH OF THE (INDISCERNIBLE). AGAIN, I THINK THE GROWTH IN THE NUMBER AND DIVERSITY OF OUR POLICE FORCE IS VERY, VERY IMPORTANT. AND I THINK WE HAVE THE TOOLS IN THIS CONTRACT TO INCREASE REPRESENTATION IN THE FEW RANKS THAT WE'RE NOT QUITE WHERE WE SHOULD BE. I THINK THIS IS IMPORTANT BECAUSE IF WE'RE GOING TO EVER HAVE AN EFFECTIVE COMMUNITY POLICING EFFORT IN THE CITY, WE NEED TO HAVE A FORCE THAT REFLECTS ITS DIVERSITY, THE NATURE OF THE COMMUNITY ITSELF. IN ADDITION TO THAT, WE LEARNED SOME LESSONS IN THIS CONTRACT NEGOTIATION. IT TOOK A LONG TIME. TIME LINES WERE NOT ALWAYS CLEAR. AND AS WE SEE, MANY OF THE PUBLIC WOULD HAVE LIKED TO HAVE HAD ACCESS, A LITTLE MORE OPEN ACCESS TO THE PROCESS ALONG THE WAY. SO WE'LL BE BRINGING AN ORDINANCE BACK NEXT WEEK TO TRY TO INCORPORATE SOME OF THESE THINGS INTO THE MEET AND CONFER PROCESS IN THE FUTURE, TO HAVE A MORE OPEN PROCESS. CERTAINTY IN THE TIME LINES AND A WAY TO RESOLVE IMPASSE MUCH MORE QUICKLY SO THAT WE'RE NOT GOING A WHOLE YEAR, YEAR AND A HALF AT GETTING ONE OF THESE THINGS DONE.

Mayor Wynn: THANK YOU, COUNCILMEMBER. FURTHER COMMENTS? HEARING NONE, I WOULD JUST LIKE TO CLOSE BY SAYING THAT OVER THE PAST 10 YEARS OR SO, OUR POLICE DEPARTMENT IN MY OPINION HAS MADE SIGNIFICANT IMPROVEMENTS. AT A TIME WHEN WE WERE TRYING TO GROW THE SIZE OF THE FORCE. A HIEWNL CHALLENGE FOR ANY ORGANIZATION, BUT PARTICULARLY WHEN YOU OVERLAY THE COMPLEXITIES OF POLICING IN THE 21st

CENTURY URBAN AMERICA. THERE'S NO QUESTION IN MY MIND THAT THESE IMPROVEMENTS WERE A DIRECT RESULT OF OUR ABILITY TO CHANGE SIGNIFICANT COMPONENTS OF STATE CIVIL SERVICE LAW. NOW, DESPITE THESE IMPROVEMENTS IN OUR FORCE, CLEARLY WE HAVE TO DO BETTER. BUT ALL GREAT ORGANIZATIONS MAINTAIN THAT MINDSET CONTINUALLY. FRANKLY, I'VE SPENT MORE TIME AS MAYOR FOCUSING ON POLICING THAN I THOUGHT I WOULD OR I WANTED TO. AND OBVIOUSLY THE HOUR OF THIS VOTE IS VERY LATE, BUT THE ANALYSIS AND THE EXERCISE IN THIS SERIES OF FORCED TRADE-OFFS HAS BEEN THOROUGH. REGARDING THE COST OF THE CONTRACT, I CHARACTERIZE IT AS EXPENSIVE, PREVENTIVE PREVENT PREVENTATIVE MEDICINE. AND REGARDING THIS ACTUAL VOTE, I'M SIMPLY NOT PREPARED TO SEND THIS FORCE AT THIS CRITICAL TIME IN ITS EVOLUTION AND GROWTH BACK TO STRAIGHT CIVIL SERVICE LAW. NOT ONLY WOULD WE HANDICAP THE ABILITY TO CONTINUE I AM IMPROVEMENT, I THINK WE WOULD JEOPARDIZE IMPROVEMENTS THAT WE'VE ALREADY MADE. AND SO WITH THAT I'M COMFORTABLE SUPPORTING THE CONTRACT. I THANK EVERYBODY WHO'S BEEN INVOLVED AND PARTICULARLY THOSE CITIZENS WHO I KNOW ARE DISAPPOINTED WITH THIS OUTCOME. SO WITH THAT WE HAVE A MOTION AND A SECOND ON THE TABLE TO APPROVE THE CONTRACT AS PRESENTED. ALL THOSE IN FAVOR, PLEASE SAY AYE.

AYE.

Mayor Wynn: OPPOSED? MOTION PASSES ON A VOTE OF SEVEN TO ZERO. I THINK THAT'S ALL THE ITEMS BEFORE THE COUNCIL. WITH THAT I'LL ENTERTAIN A MOTION TO ADJOURN. MADE BY COUNCILMEMBER THOMAS, SECONDED BY COUNCILMEMBER SLUSHER TO ADJOURN. ALL IN FAVOR? WE ARE ADJOURNED. THANK YOU.

End of Council Session Closed Caption Log